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TITLE 3. AGRICULTURE
CHAPTER 1. DEPARTMENT OF AGRICULTURE
ADMINISTRATION

(Authority: A.R.S. §§ 3-107, 41-1023, 41-1024, 41-1029, 41-1032, 41-1033, 41-1061, 41-1062, and 41-1064.)

Chapter 1, consisting of Articles 1, 2, and 3, adopted effective April 11, 1994 (Supp. 94-2).

Former Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09 renumbered to Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109; Former Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77 renumbered to Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248; Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307 renumbered to Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307; Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408 renumbered to Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408; Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504 renumbered to Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504; Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1, renumbered to Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1; Title 3, Chapter 1, Article 7, Sections R3-1-701 through R3-1-710 renumbered to Title 3, Chapter 5, Article 1, Sections R3-5-101 through R3-5-110 (Supp. 91-4).

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ARTICLE 1. GENERAL PROVISIONS

R3-1-101. Definitions

In addition to the definitions provided in A.R.S. § 41-1001, the following shall apply to this Chapter, unless the context otherwise requires:

1. "Applicant" means any person who applies for a permit, license, or certification, or a permit, license, or certification

renewal from the Department and is denied that permit, license, or certification.

2. "Attorney General" means the Attorney General of the state of Arizona and the Attorney General's designees.
3. "Department" means the Arizona Department of Agriculture.
4. "Director" means the Director of the Arizona Department of Agriculture.
5. "Hearing officer" means the Director, unless otherwise provided by law, or an individual appointed by the Director to conduct hearings.
6. "Oral proceeding" means a proceeding held during the rulemaking process, as described by A.R.S. § 41-1023.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-102. Computation of Time

In computing any period of time allowed by these rules or by an order of the Director, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. When the period of time allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

Historical Note

Adopted effective October 14, 1998 (Supp. 98-4).

**ARTICLE 2. PRACTICE AND PROCEDURE -
CONTESTED CASES**

R3-1-201. Contested Cases: Hearings

Unless otherwise provided by statute, this Article shall govern contested cases, referenced hereinafter as hearings, held before the Department in all proceedings in which the legal rights, duties, or privileges of a party or applicant are required by A.R.S. Title 3, A.R.S. Title 41, Chapter 6, Article 6, or by rule, to be determined after an opportunity for a hearing. These rules are not applicable to:

1. Oral proceedings.
2. Any person applying for license or permit unless the license or permit is denied.
3. Personnel matters, or resolution of disputes involving contracts, held before the Department of Administration.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-202. Initiation of Hearing

- A. A hearing may be initiated only by the Department or by a party or applicant pursuant to statute, rule, or as otherwise provided by law.

- B.** If requested by a party or applicant other than the Department, the party or applicant shall, within 30 days of the date of the decision of the Department, file a written request for hearing with the Department and shall clearly state:
1. The specific actions of the Department which are the bases of the hearing request; and
 2. The statute or rule entitling the party or applicant to a hearing.
- C.** Within 15 days of the receipt of a written request for hearing, the Department shall provide written notice to the party or applicant of its decision for the hearing.
1. If the Department accepts the request for hearing, the Department shall give the party or applicant notice of the hearing date.
 2. If the Department denies the request for hearing, the Department shall state the reasons for denial.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-203. Hearing Officer; Disqualification; Substitution

- A.** In any action pending before a hearing officer, the hearing officer is subject to disqualification for good cause shown. Any party may petition the hearing officer for the hearing officer's disqualification within five days of receipt of notice of hearing indicating the hearing officer's identity or within 20 days of discovering facts indicating grounds for disqualification or else the right to change a hearing officer is deemed waived. The petition for disqualification shall state the facts giving rise to the disqualification.
- B.** The Director shall appoint a hearing officer or any substitute hearing officer to replace a disqualified or unavailable hearing officer.
- C.** If a substitute hearing officer is appointed, the substitute hearing officer shall use any existing record and may conduct further appropriate proceedings as the hearing officer deems to be in the interests of justice.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-204. Communications Regarding Matters Related to a Contested Hearing

- A.** Except for negotiated settlements with the Director pursuant to A.R.S. § 3-368(D)(4), neither the parties nor their legal counsel shall communicate with the Director or the hearing officer concerning any matter related to a hearing pending before the Director or the hearing officer. Communication with the Director or the hearing officer is prohibited from the date a hearing is initiated until a final order is issued unless the communication takes place in the presence of all parties or their counsel or, if the communication is in writing, the party provides copies to all other parties.
- B.** Any party directly involved in a hearing who receives a prohibited communication shall file, within 48 hours, a copy of the written communication or summary of the oral communication with the Director or hearing officer and serve copies of the same on each party or their counsel.
- C.** Upon receipt of a notice described in subsection (B), the Director or hearing officer shall give all other parties reasonable opportunity to respond to the communication.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-205. Notice of Hearing

- A.** Unless otherwise provided by law, the hearing officer shall set the time and place of the hearing and serve written notice to all parties not less than 30 days prior to the hearing.

- B.** The notice shall contain the following:

1. The Department file number, the caption or title of the proceeding, and a general description of the subject matter;
2. The time, place, and nature of the hearing;
3. A statement of the legal authority and jurisdiction under which the hearing is to be held;
4. A short statement from the moving party relating the factual basis for the allegation;
5. A reference to the particular Sections of the statutes and rules involved;
6. The name, official title, mailing address, and telephone number of the hearing officer for the hearing;
7. A statement that a party who, after notice has been given pursuant to Article 2 of this Chapter, fails to attend or participate in a hearing or prehearing proceeding is considered to have waived the right to appear and the party may be held in default or the agency may proceed without the presence of the party;
8. The names and mailing addresses of persons to whom notice is being given, including any counsel or employee who has been designated to appear for the Department;
9. A statement that any party desiring to negotiate a settlement shall contact the Department to expressly request a negotiated settlement conference.

- C.** The notice may include any other matters that the hearing officer considers desirable to expedite the proceedings.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-206. Responses; Motions for More Definite Statement; Negotiated Settlement

- A.** Any party who receives a notice of hearing shall file a response to the action. The written response, to be considered, shall be filed within 15 days after receipt of the notice of hearing.
- B.** A response shall specifically admit, deny, or state that the party does not have or is unable to obtain sufficient information to admit or deny each allegation in the notice of hearing. When a party intends in good faith to deny only a part of an allegation, the party shall admit so much of it as is true and shall deny the remainder.
- C.** Within 15 days after service of the notice of hearing, any party may file a motion for a more definite statement. Such motion shall state the respects in which and the reasons why each such matter of fact should be required to be made more definite. If the motion is granted by the hearing officer, the order granting such motion shall set the time periods in which the more definite statement, and any response thereto, shall be filed.
- D.** Any party requesting a negotiated settlement conference shall contact the Department either orally or in writing. If the conference is granted, the party shall be afforded the opportunity to participate or to be represented by counsel. Unless otherwise provided by law, no negotiated settlement conference or request for negotiated settlement conference shall operate as a waiver of the party's duty to respond to the notice of hearing, to request a hearing, to raise a defense, or to stay any scheduled hearing.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-207. Prehearing Conference; Procedure and Prehearing Order

- A.** Upon a motion of the hearing officer or any party, the hearing officer may schedule a prehearing conference at least ten days prior to the hearing date. Within five days of completion of the

filing of said motion, the hearing officer shall notify the parties of the decision to hold a prehearing conference and the date, time, and place where it will be held.

- B.** The hearing officer may conduct the prehearing conference to deal with:
 1. Negotiated settlement, stipulations, clarification of issues, admissions, amendments of pleadings, prehearing briefs, pretrial statements, rulings on identity and limitation of the number of witnesses, objections to proffers of evidence, use of written presentation for direct evidence, rebuttal evidence, or cross-examination;
 2. Whether appearing at the hearing by way of telephone, television, or other electronic means will substitute for appearing at the proceedings in person;
 3. The order of presentation of evidence and cross-examination, rulings on admissibility or exclusion of evidence, rulings regarding issuance of subpoenas, discovery orders, and protective orders; and
 4. Such other matters as will promote the orderly and prompt conduct of the hearing.
- C.** The hearing officer may conduct all or part of the prehearing conference by telephone, television, or other electronic means so long as each party in the prehearing conference can hear and has and opportunity to participate during the entire proceeding.
- D.** After any prehearing conference, an order will be either entered verbally on the record or issued in writing, prior to the hearing, reciting stipulations and admissions made, actions taken, and other matters resolved. This order shall only be modified to prevent manifest injustice, as determined by the hearing officer.
- E.** The hearing officer may issue orders to regulate the conduct of the proceedings and limiting the issues to those raised in the pleadings whether or not a prehearing conference is held.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-208. Procedures for Motions

- A.** Motions calling for determination of any matter of law shall be filed with the hearing officer in writing.
- B.** Any non-moving party may file a response to a motion, pursuant to R3-1-209(B) and shall serve the response upon the moving party within ten days after service of such motion.
- C.** The moving party shall have ten days after service of a response to file a reply to that response.
- D.** The time limits for motions, responses, and replies may be shortened or extended by the hearing officer.
- E.** Motions shall be considered on the written materials submitted by the parties. No written pleading shall exceed 15 pages in length unless permitted by the hearing officer. No oral argument shall be heard on such motions unless requested by a party and the hearing officer so directs.
- F.** Except as provided in subsection (A), motions and objections made during the course of the hearing may be made orally. Objections to the admission or exclusion of evidence shall be made on the record, shall be brief, and shall state the ground for the objection.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-209. Filing; Computation of Time; Extension of Time

- A.** Upon initiation of a hearing, the Director shall assign each proceeding a number and shall maintain a docket of all proceedings.
- B.** Unless otherwise specifically provided in the rules or by an order of the Director, an original of all pleadings shall be filed

with the Director and one copy to the hearing officer within the time limits set forth in R3-1-205, R3-1-206, R3-1-207, and R3-1-208.

- C.** All documents required to be filed may be transmitted by regular or express mail, or otherwise delivered to the Director. Service thereof shall be made simultaneously on all parties to the proceeding, pursuant to R3-1-211. A document shall be considered to be filed on the date received by the Director. When a pleading is mailed, any limitation on the time in which a response may be made thereto shall be increased by five days.
- D.** In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- E.** For good cause shown, the hearing officer may grant continuances and extensions of time.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-210. Record of Hearings

The Director shall maintain the record in a hearing as prescribed in A.R.S. § 41-1061(E). Upon completion of the hearing, the Director shall maintain the docket and the records for three years.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-211. Service; Proof of Service

- A.** Service of process by the party responsible for filing shall be required with respect to notices of hearing issued under this Article. The original shall be filed with and retained by the Director, pursuant to R3-1-210.
- B.** Unless otherwise provided by law, service of process for notices of hearing shall be sufficient if made by personal service or by certified mail to the last known address of record of the person being served or, if served on a corporation, partnership, or association, the personnel service is made upon the statutory agent, corporate officer, partner, owner, co-owner, or agent.
- C.** All other pleadings, notices, decisions, and orders subsequent to the notice of hearing shall be served on each of the parties. Service shall be made by personal service or by regular mail to the last known address of record of the party or the party's counsel. Service by regular mail is complete upon mailing.
- D.** The following shall establish proof of service:
 1. If transmitted by certified mail, the return of the signed return receipt; or
 2. If by regular mail or personally served, filing with the pleading or separately with the Director a written statement that the service has been made, setting forth the date and manner of service signed by the party serving the pleading.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-212. Default

- A.** If a party fails to attend or participate in a prehearing conference, prehearing proceeding, or hearing, any party may file a motion to default the nonparticipating party. The motion to default shall state the grounds upon which the nonparticipating party is to be defaulted together with a proposed form of default order. The party against whom the motion was filed

may respond as set forth in R3-1-208(B). The hearing officer may order a default upon the hearing officer's own motion.

- B. The hearing officer may conduct a hearing on the motion for default order after notice to all parties.
- C. The hearing officer shall rule on the motion for default before commencing the hearing.
- D. After issuing a default order, the hearing officer shall conduct any further proceedings necessary to complete the adjudication without the defaulting party and shall determine all issues, including those affecting that party.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-213. Intervention

- A. A person seeking to intervene in a proceeding shall do so at least 25 days prior to a hearing. A person seeking to intervene in any hearing shall file a written petition for intervention with the hearing officer and serve the petition on each party. A petition shall state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.
- B. Any party may file a response to the petition for intervention within five days of service of the petition upon the party. A copy of the response shall be served upon each party and on each petitioner.
- C. A petition for intervention may be granted upon a determination that the petition complies with the requirements in subsection (A) and that the intervention sought is in the interests of justice, will not unduly broaden the scope of the inquiry, and will not impair the orderly and prompt conduct of the proceedings.
- D. The hearing officer shall rule on the petition for intervention and shall notify the petitioner and all parties of the decision at least 15 days prior to the hearing date.
- E. The hearing officer may continue the hearing, provide for a prehearing conference, or both, to give a party a specific amount of time to file a response to the petition for intervention or prepare for the hearing.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-214. Subpoenas

- A. Unless otherwise required by law, a request for subpoena shall be in writing, filed with the Director, and served on each party at least seven days prior to the date of hearing. The request shall state the following:
 1. The identification of the person or document requested;
 2. The facts expected to be established by the person or document subpoenaed, as needed to determine relevancy and materiality of the testimony or document sought.
- B. If more than two subpoenas are requested to establish a single fact in dispute, the request for subpoena shall state the reason why the additional subpoena is not repetitive.
- C. The person to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for hearing, the hearing officer quashes or modifies the subpoena. Any request to quash or modify the subpoena shall be submitted in writing and shall briefly, but thoroughly, state the reasons therefor. The hearing officer shall grant or deny such request by order.
- D. The party requesting the subpoena shall serve it, as prescribed in R3-1-211, upon the person to whom it is directed and that person shall be compensated as prescribed in A.R.S. § 12-303.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-215. Procedure at Hearings

- A. The hearing officer shall regulate the course of the proceedings and shall conform with any prehearing order.
- B. To enable disclosure of relevant facts and issues, the hearing officer shall give all parties the opportunity to testify, respond, present evidence and argument, conduct examination and cross-examination of witnesses, and submit rebuttal evidence, except as restricted by an order of the hearing officer.
- C. The hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means, so long as each party has an opportunity to participate in the entire proceeding as it takes place.
- D. All hearings are open to public observation, except where closed pursuant to an express provision of law. Upon motion of any party, the hearing officer may exclude any witness from the hearing until after that witness has testified.
- E. All hearings shall be recorded or transcribed by a court reporter. Transcripts of the hearing shall be arranged and paid for by the person seeking the transcripts.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-216. Evidence

- A. All witnesses at a hearing shall testify under oath or affirmation. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer shall receive relevant, probative, and material evidence, rule upon offers of proof, and exclude all evidence the hearing officer has determined to be irrelevant, immaterial, or unduly repetitious. Unless otherwise prohibited by statute, the hearing officer may admit oral or written testimony regarding a statement made by another person, even if it would be inadmissible in a civil court trial.
- B. Unless otherwise ordered by the hearing officer, documentary evidence shall be limited in size when folded to 8 1/2 x 11 inches. The submitting party shall furnish a copy of each documentary exhibit to each party of record present, and the original document plus one additional copy shall be furnished to the Director, unless the Director or hearing officer otherwise directs. When a relevant and material matter offered in evidence by any party appears in a larger work containing other information, the party shall plainly designate the offered matter. If the offered matter is in such volume as would unnecessarily encumber the record, such book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the relevant and material matter may be read into or photocopied for the record.
- C. All documentary evidence offered shall be subject to appropriate and timely objection or by any order of the hearing officer.
- D. When ordered by the hearing officer, the parties shall exchange copies of exhibits prior to or at the hearing.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-217. Recommended Decision; Objections to Proposed Draft of Recommended Decision; Director's Decision

- A. The hearing officer may draft the findings of fact and conclusions of law or allow each party the opportunity to submit proposed findings of fact and conclusions of law within ten days after the conclusion of the hearing.
- B. The hearing officer shall render a decision which separately states findings of fact and conclusions of law based on evidence presented at the hearing. Experience, technical competence, or specialized knowledge of the hearing officer may be utilized in evaluating evidence.

- C. The hearing officer shall render a decision, or recommended decision, within 30 days after conclusion of the hearing. If the hearing officer is not the Director, the Director shall render a decision within 15 days after receipt of a recommended decision of the hearing officer.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-218. Rehearing or Review of Decision

- A. Unless as otherwise provided by law or rule, any party to a hearing before the Department who is aggrieved by a decision rendered in such case may file with the Director a written request for rehearing or review of the decision within 15 days after the date of the decision. The request shall specify the particular grounds for rehearing or review. The requesting party shall serve copies upon all other parties in compliance with Section R3-1-211. A request for rehearing or review under this rule may be amended at any time before it is ruled upon by the Director.
- B. Any party may file a response to the request for rehearing.
- C. Any party may request oral argument on the request for rehearing.
- D. A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:
1. Irregularity in the proceedings or any abuse of discretion whereby the requesting party was deprived of a fair hearing;
 2. Misconduct of the Department, the hearing officer, or the prevailing party;
 3. Accident or surprise which could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence which could not, with reasonable diligence, have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;
 7. That the decision is the result of passion or prejudice; or
 8. That the decision is not supported by the evidence or is contrary to law.
- E. Upon review of a request for rehearing and any response thereto, the Director may affirm or modify the decision or grant a rehearing. An order granting a rehearing shall specify with particularity the grounds on which the rehearing is granted, and the rehearing shall cover only those matters specified. All parties to the hearing may participate as parties at any rehearing.
- D. Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting such a rehearing shall specify the grounds for the review of the decision.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-219. Effectiveness of Orders

- A. In accordance with R3-1-218, a decision becomes a final order 15 days after the decision is issued by the Director or the hearing officer, unless a party has filed a petition for review or reconsideration or unless otherwise stated.
- B. If, in a particular decision, the Director or the hearing officer makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health, and safety, the decision may be issued

as a final decision without an opportunity for a reconsideration. If a decision is issued as a final decision without an opportunity for reconsideration, any application for judicial review of the decision shall be made within the time limits permitted for application for judicial review of the final decision.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

ARTICLE 3. PUBLIC PARTICIPATION IN RULEMAKING

R3-1-301. Agency Record

The official rulemaking record is located in the Arizona Department of Agriculture's Phoenix Office and may be reviewed at any time during regular Department office hours.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-302. Petition for Adoption of Rule

Any person requesting the Department to adopt, amend, or repeal a rule, pursuant to A.R.S. § 41-1033, shall file a petition with the Director as prescribed in this Section. Each petition shall contain:

1. The name, address, and signature of the person submitting the petition;
2. For the adoption of a new rule, the specific language of the proposed rule.
3. For the amendment of a current rule, the A.A.C. number, the title, and the specific language of the current rule together with a line through any language to be deleted and an underline for any new language to be added;
4. For the repeal of a current rule, the A.A.C. number and title of the current rule;
5. The reason the rule should be adopted, amended, or repealed;
6. Additional supporting information for the petition may be provided, including:
 - a. Any statistical data or other justification, with clear references to attached exhibits;
 - b. An identification of what persons or segment of the public would be affected and how they would be affected; and
 - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or any written comments offered by the public.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-303. Written Public Comment

- A. Any person may comment upon a rule proposed by the Department by submitting written comments on the proposed rule to the Director.
- B. Any document delivered to the Department is considered to have been submitted on the date it is received by the Department. Any document mailed to the Department is considered to have been submitted on the postmarked date.
- C. All written comments received by the Department shall be considered pursuant to A.R.S. § 41-1023.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-304. Oral Proceedings

- A. Requests for oral proceedings, as prescribed in A.R.S. § 41-1023(B), shall:
1. Be filed with the Director;
 2. Include the name and address of the person making the request; and

3. Refer to the proposed rule and include, if known, the date and issue of the Register in which the notice was published.
- B.** The oral proceeding shall be recorded either by an electronic device or stenographer, and the official record shall include any resulting cassette tapes or transcripts, registers, and written comments received.
- C.** The presiding officer shall perform the following acts when conducting oral proceedings:
 1. Request that attendees register their names and representative capacity, if applicable, with the presiding officer;
 2. Request that attendees intending to speak register with the presiding officer by providing their name, representative capacity, if applicable, a notation of their position with regard to the proposed rule, and the approximate length of time they wish to speak.
 3. Open the record by identifying the rules to be considered, the location, date, time, and purpose of the proceeding, and the agenda for the proceeding.
 4. Allow a statement by the Department representatives to explain the background and general content of the proposed rules.
 5. Allow a public oral comment period, pursuant to A.R.S. § 41-1023, limited to a reasonable time for each, as determined by the presiding officer to prevent undue repetition.
 6. Make closing remarks which include the location where the written public comments are to be received as prescribed in R3-1-303(A), and the date and time of the close of official rulemaking record.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-305. Petition for Delayed Effective Date

- A.** A person seeking to delay the effective date of the rule pursuant to A.R.S. § 41-1032 shall file a petition with the Director containing:
 1. The name, address, and signature of the petitioner;
 2. Identification of the proposed rule by A.A.C. number and title; and
 3. The petitioner's reasons for the proposed delay, specifying the undue hardship or other adverse impact that may result if the request for a delayed effective date is not granted, and the reasons why the public interest will not be harmed by the later date.
- B.** Within 20 days of receipt of the petition, the Department shall render a decision and notify the petitioner.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

R3-1-306. Written Criticism of Rule

- A.** At any time, any person may file a written criticism of a current rule with the Director.
- B.** The criticism shall clearly identify the rule addressed and specify the problem with the current rule.
- C.** Within 20 days the Director shall acknowledge receipt of the criticism and shall retain the criticism in the Department's files for review pursuant to A.R.S. § 41-1054.

Historical Note

Adopted effective April 11, 1994 (Supp. 94-2).

TITLE 3. AGRICULTURE
CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

(Authority: A.R.S. §§ 3-1201 et seq., 3-601 et seq., and 3-701 et seq., and 3-2901 et seq.)

Chapter 2, Articles 1 through 7 renumbered from Title 3, Chapter 9, Articles 1 through 7; Article 8, consisting of Sections R3-2-801 through R3-2-808, renumbered from Title 3, Chapter 5, Article 1, Sections R3-5-01 through R3-5-08; Article 9, consisting of Sections R3-2-901 through R3-2-909 renumbered from Title 3, Chapter 6, Article 1, Sections R3-6-101 through R3-6-109 (Supp. 91-4).

Article 1 consisting of Sections R3-9-101 through R3-9-103; Article 2 consisting of Sections R3-9-201 through R3-9-208; Article 3 consisting of Sections R3-9-301 and R3-9-302; Article 4 consisting of Sections R3-9-401 through R3-9-409; Article 5 consisting of Sections R3-9-501 through R3-9-504; Article 6 consisting of Sections R3-9-601 through R3-9-620; Article 7 consisting of Sections R3-9-701 and R3-9-702 adopted effective August 19, 1983.

Former Article 1 consisting of Sections R3-9-01 through R3-9-11; Article 2 consisting of Sections R3-9-16 through R3-9-26; Article 3 consisting of Sections R3-9-22 through R3-9-35; Article 4 consisting of Sections R3-9-46 through R3-9-48 repealed effective August 19, 1983.

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Section R3-2-101, adopted effective May 7, 1997 (Supp. 97-2).

Article 1, consisting of Sections R3-2-101 through R3-2-109, recodified to Article 11, Sections R3-2-1101 through R3-2-1109 (Supp. 97-1).

Article 1, consisting of Sections R3-2-101 through R3-2-109, adopted effective September 11, 1996 (Supp. 96-3).

Article 1, consisting of Sections R3-2-101 through R3-2-103, renumbered from R3-9-101 through R3-9-103 (Supp. 91-4).

Section	
R3-2-101.	Definitions
R3-2-102.	Licensing Time-frames
R3-2-103.	Recodified
R3-2-104.	Recodified
R3-4-105.	Recodified
R3-4-106.	Recodified
R3-4-107.	Recodified
R3-4-108.	Recodified
R3-4-109.	Recodified
Table 1.	Time-frames

ARTICLE 2. MEAT AND POULTRY INSPECTION

Article 2, consisting of Sections R3-2-201 through R3-2-208, renumbered from Sections R3-9-201 through R3-9-208 (Supp. 91-4).

Section	
R3-2-201.	Definitions
R3-2-202.	Meat and Poultry Inspection and Slaughtering Standards
R3-2-203.	Licenses; Registration; Records
R3-2-204.	Official Slaughter Establishment
R3-2-205.	Requirements for Designation of Rendering Plants to Produce Certified Animal Fat
R3-2-206.	Purchase, Sale, Collection, Transportation, Disposition, and Use of Meat or Meat Food Products; Dead Animals; Animal Bone, Animal Fat, Animal Offals
R3-2-207.	Meat from Dead Animals Processed and Decharacterized for Use as Animal Food
R3-2-208.	Diseased and Injured Animals
R3-2-209.	Exempt Non-mobile Slaughter Establishments

ARTICLE 3. FEEDING OF ANIMALS

Article 3, consisting of Sections R3-2-301 and R3-2-302, renumbered from R3-9-301 and R3-9-302 (Supp. 91-4).

Section	
R3-2-301.	Operation of beef cattle feedlots
R3-2-302.	Requirements for permit to feed garbage to swine

ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

Article 4, consisting of Sections R3-2-401 through R3-2-409 renumbered from R3-9-401 through R3-9-409 (Supp. 91-4).

Section	
R3-2-401.	Mandatory disease reporting by veterinarians
R3-2-402.	Individual identification of swine at market
R3-2-403.	Prohibition of live hog cholera virus
R3-2-404.	Prohibition of live virus hog cholera vaccine
R3-2-405.	Requirements for depopulation of hog cholera infected premises
R3-2-406.	Brucellosis control -- feedlots and auction markets
R3-2-407.	Equine Infectious Anemia
R3-2-408.	Disposition of livestock showing symptoms or exposed to rabies
R3-2-409.	Specifying types of rabies vaccines for dogs

ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM

Article 5, consisting of Sections R3-2-501 and R3-2-504, renumbered from R3-9-501 and R3-9-504 (Supp. 91-4).

Section	
R3-2-501.	Tuberculosis Control and Eradication Procedures
R3-2-502.	Payment to Owners for Cattle Depopulated from Herds Infected with Tuberculosis
R3-2-503.	Brucellosis Control and Eradication Procedures
R3-2-504.	Pseudorabies Control and Eradication Procedures

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

Article 6, consisting of Sections R3-2-601 and R3-2-620, renumbered from R3-9-601 and R3-9-620 (Supp. 91-4).

Section	
R3-2-601.	Definitions
R3-2-602.	Requirements for importation
R3-2-603.	Importation of diseased animals
R3-2-604.	Permit required for livestock
R3-2-605.	Quarantine for animals entering illegally
R3-2-606.	Official health certificate
R3-2-607.	Permits
R3-2-608.	Consignment of animals
R3-2-609.	Diversions
R3-2-610.	Test -- official confirmation

R3-2-611.	Duties of transporters
R3-2-612.	Importation of Cattle and Bison
R3-2-613.	Requirements for importation of swine
R3-2-614.	Requirements for importation of goats and sheep
R3-2-615.	Equine Importation
R3-2-616.	Requirements for dogs and cats
R3-2-617.	Poultry
R3-2-618.	Psittacine birds
R3-2-619.	Game, furbearing and wild animals
R3-2-620.	Zoo animals

ARTICLE 7. LIVESTOCK INSPECTION

Article 7, consisting of Sections R3-2-701 and R3-2-703, renumbered from R3-9-701 and R3-9-703 (Supp. 91-4).

Section

R3-2-701.	Department Livestock Inspection
R3-2-702.	Livestock Self-inspection
R3-2-703.	Self-inspection for Cattle Destination Movement
R3-2-704.	Self-inspection for Pasture to Pasture Movement
R3-2-705.	Self-inspection for Sheep
R3-2-706.	Self-inspection for Dairy Cattle or Cattle in Feedlots

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

(Authority: A.R.S. § 3-601 et seq.)

Article 8, consisting of Sections R3-2-801 through R3-2-808, renumbered from R3-5-01 through R3-5-08 (Supp. 91-4).

Section

R3-2-801.	Definitions
R3-2-802.	Milk and Milk Product Standards
R3-2-803.	Milk and Milk Product Labeling
R3-2-804.	Trade Products
R3-2-805.	Grade A Raw Milk For Consumption
R3-2-806.	Parlors and Milk Rooms
R3-2-807.	Frozen Dessert Plant and Processing Standards
R3-2-808.	Frozen Desserts Reconstituted from Powdered Mixes
R3-2-809.	Medicinal, Chemical and Radioactive Residues in Milk

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

(Authority: A.R.S. § 3-701 et seq.)

Article 9, consisting of Sections R3-2-901 through R3-2-909 renumbered from R3-6-101 through R3-6-109 (Supp. 91-4).

Section

R3-2-901.	Definitions
R3-2-902.	Standards, Grades and Weight Classes for Shell Eggs
R3-2-903.	Sampling: Schedule and Methods for Evidence
R3-2-904.	Quarterly Report Periods
R3-2-905.	Inspection Fee Rate
R3-2-906.	Violations and Penalties
R3-2-907.	Renumbered
R3-2-908.	Renumbered
R3-2-909.	Repealed

ARTICLE 10. AQUACULTURE RULES

(Authority: A.R.S. § 3-2901 et seq.)

Article 10, consisting of Sections R3-2-1001 through R3-2-1010, adopted effective May 3, 1993 (Supp. 93-2).

Section

R3-2-1001.	Definitions
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R3-2-1002.	Fees for Licenses; Inspection Authorization and Fees
R3-2-1003.	General Licensing Provisions
R3-2-1004.	Aquaculture Facility License
R3-2-1005.	Fee Fishing Facility License
R3-2-1006.	Processor License
R3-2-1007.	Transporter License
R3-2-1008.	Special Licenses
R3-2-1009.	Disease Certification
R3-2-1010.	Importation of Aquatic Animals

ARTICLE 11. RATITES

Article 11, consisting of Sections R3-2-1101 through R3-2-1109, recodified from Article 1, Sections R3-2-101 through R3-2-109 (Supp. 97-1).

Section

R3-2-1101.	Definitions
R3-2-1102.	Slaughterhouse and Wholesale Processing Establishment Registration, Fees
R3-2-1103.	Grant of Inspection, Pre-Grant of Inspection Evaluation, Fee
R3-2-1104.	Denial, Withdrawal, and Suspension of Grant of Inspection
R3-2-1105.	Slaughterhouse Requirements, Inspection Fee
R3-2-1106.	Ante-mortem Inspection Procedures
R3-2-1107.	Slaughter Procedures
R3-2-1108.	Post-mortem Inspection Procedures
R3-2-1109.	Wholesale Processing Establishment Requirements

ARTICLE 1. GENERAL PROVISIONS**R3-2-101. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

1. "Animal" means livestock, bison, dogs, cats, rabbits, rodents, game animals, furbearing and wildlife mammals, and poultry and other birds.
2. "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
3. "USDA" means the United States Department of Agriculture.
4. "VS" means the Veterinary Services branch of APHIS.

Historical Note

Reserved Section R3-2-101 renumbered from R3-9-101 (Supp. 91-4). New Section adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-101 recodified to R3-2-1101 (Supp. 97-1). New Section adopted effective May 7, 1997 (Supp. 97-2).

R3-2-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.

2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.

3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.

C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.

1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.

2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Reserved Section R3-2-102 renumbered from R3-9-102 (Supp. 91-4). New Section adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-102 recodified to R3-2-1102 (Supp. 97-1). New Section R3-2-102 adopted effective October 8, 1998 (Supp. 98-4).

R3-2-103. Recodified

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). R3-2-103 renumbered from Section R3-9-103 (Supp. 91-4).

Repealed effective April 11, 1994 (Supp. 94-2). New Section adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-103 recodified to R3-2-1103 (Supp. 97-1).

R3-2-104. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-104 recodified to R3-2-1104 (Supp. 97-1).

R3-2-105. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-105 recodified to R3-2-1105 (Supp. 97-1).

R3-6-106. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-106 recodified to R3-2-1106 (Supp. 97-1).

R3-2-107. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-107 recodified to R3-2-1107 (Supp. 97-1).

R3-2-108. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-108 recodified to R3-2-1108 (Supp. 97-1).

R3-2-109. Recodified

Historical Note

Adopted effective September 11, 1996 (Supp. 96-3). Section R3-2-109 recodified to R3-2-1109 (Supp. 97-1).

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
MEAT AND POULTRY INSPECTION						
License to Slaughter	A.R.S. § 3-2002 A.R.S. § 3-2003 R3-2-208	14	14	30	14	44
Transfer of license without fee	A.R.S. § 3-2009	14	14	30	5	44
State Meat Inspection Service	A.R.S. § 3-2047	14	14	30	14	44
Sale or Exchange of Meat or Poultry	A.R.S. § 3-2081 R3-2-208	14	14	30	14	44
Rendering Facility Certification	A.R.S. § 3-2081 R3-2-205	14	14	30	14	44
Transfer of License	A.R.S. § 3-2086	14	14	30	5	44
Official Slaughter Meat Licenses	A.R.S. § 3-2122 R3-2-208	14	14	30	14	44
FEEDING OF ANIMALS						
Feed Lot License	A.R.S. § 3-1452	14	14	60	14	74
Permit to Feed Garbage to Swine	A.R.S. § 3-2664	14	14	60	14	74
DAIRY PRODUCTS AND CONTROL						
Milk Distributing Plant New Renewal	A.R.S. § 3-607	7 7	7 7	7 14	7 7	14 21
Milk Processing Plant New Renewal	A.R.S. § 3-607	7 7	7 7	7 14	7 7	14 21
Plant Licensing New Renewal	A.R.S. § 3-665	7 7	7 7	7 14	7 7	14 21
Request to market a product as a milk product	A.R.S. § 601.01	7	7	7	7	14
Tester License	A.R.S. § 3-619	7	7	7	7	14
Trade Product Label	A.R.S. § 3-667	7	14	30	30	37
LIVESTOCK SELF INSPECTION						
Equine Trader Permit	A.R.S. § 3-1348	7	7	7	7	14
EGG PRODUCTS AND CONTROL						
Annual Licensing	A.R.S. § 3-714	7	7	7	7	14
AQUACULTURE						
Aquaculture Facility	A.R.S. § 3-2907 R3-2-1004	14	14	30	14	44
Fee Fishing Facility	R3-2-1005	14	14	30	14	44
Processor	R3-2-1006	14	14	30	14	44
Transporter	R3-2-1007	14	14	30	14	44
Special Licenses	A.R.S. § 3-2908 R3-2-1008	14	14	30	14	44

RATITES						
Slaughterhouse and Wholesale Processing Establishment Registration	A.R.S. § 3-1482 R3-2-1102	14	14	60	14	74

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

ARTICLE 2. MEAT AND POULTRY INSPECTION**R3-2-201. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-101, 3-2001, and 9 CFR 301.2, which is incorporated by reference in R3-2-202(A), the following shall apply to this Article:

1. Animal means any steer, heifer, calf, cow, bull, sheep, goat, swine, horse, ass, mule, burro, and poultry.
2. Dead animal means an animal which has died other than by slaughter in a place where inspection is performed by the Department or by the United States Department of Agriculture.
3. Inedible meat means:
 - a. Meat and meat food products from animals which have died by slaughter, or have been processed in inspected slaughter houses but have not been passed by the inspector for human consumption; or
 - b. Meat condemned by federal or state inspectors.
4. Rendering means the conversion of packinghouse waste, dead animal carcasses, and parts into industrial fats, oils, and other products inedible for human consumption.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4).

Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective February 28, 1989 (Supp. 89-1).

Section R3-2-201 renumbered from Section R3-9-201

(Supp. 91-4). Section repealed, new Section adopted effective July 13, 1995 (Supp. 95-3).

R3-2-202. Meat and Poultry Inspection and Slaughtering Standards

- A.** All meat inspection and slaughtering procedures shall be conducted as prescribed in 9 CFR Chapter III, Subchapters A and E, as amended July 25, 1996. The material incorporated by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter. The following parts and sections of 9 CFR, Chapter III, Subchapter A, are excepted from incorporation:

302.2	321	329.9
306.3	322	331
307.5	327	335
312	329.7	

- B.** All poultry inspection and slaughtering procedures shall be conducted as prescribed in 9 CFR Chapter III, Subchapters C and E, as amended July 25, 1996. The material incorporated by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter. The following sections of 9 CFR Chapter III, Subchapter C are excepted from incorporation:

381.38	381.218
381.96 through 381.112	381.220 through 381.225
381.195 through 381.209	381.230 through 381.236
381.185 through 381.186	

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4).

Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective February 28, 1989 (Supp. 89-1).

Section R3-2-202 renumbered from Section R3-9-202

(Supp. 91-4). Amended effective July 13, 1995 (Supp.

95-3). Amended effective March 5, 1997 (Supp. 97-1).

R3-2-203. Licenses; Registration; Records

- A.** Any person operating a business in any of the following categories shall obtain the appropriate license from the Department.

1. Types of slaughter licenses.
 - a. Official slaughter – the slaughtering of animals in a slaughterhouse for sale for human consumption.
 - b. Exempt slaughter.
 - i. Exempt non-mobile slaughter – the slaughtering or dressing of an animal in a stationary building for human consumption, that is not sold or offered for sale.
 - ii. Exempt mobile slaughter – the slaughtering or dressing of an animal for human consumption by using a mobile structure on the property of the animal's owner, that is not sold or offered for sale.
2. Types of meat licenses.
 - a. Broker – any person, firm or corporation engaged in buying or selling carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments. A broker negotiates purchases or sales of these products other than for the broker's own account, as an employee of another person, and is paid a commission.
 - b. Exempt – any person, firm or corporation engaged in processing meat or poultry products without meat inspection, for an individual owner of meat that is not for sale.
 - c. Distributor – any person, firm or corporation engaged in receiving carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments and storing or distributing these products to commercial outlets, processors, or individuals. A distributor does not process any of these products.
 - d. Jobber – any person, firm, or corporation with an established place of business that buys meat or poultry food products and offers the products for sale to someone other than the end-use consumer.
 - e. Pet food manufacturer – any person, firm, or corporation engaged in manufacturing animal food from meat or poultry unfit for human consumption.
 - f. Processor – any person, firm, or corporation that changes meat or poultry food products by cutting, mixing, blending, canning, curing or otherwise preparing meat or meat food products wholesale for human consumption.
 - g. Renderer – any person, firm, or corporation that renders and tallows and any person, firm, or corporation engaged commercially in the hide, hair, or pelt removal, cutting up, or rendering of animals.

- B.** Applications for a license or registration pursuant to A.R.S. § 3-2081(A), shall be made on forms provided by the Department and shall contain the following:
1. The name of the applicant and the applicant's partners, officers or directors of the business, if any;
 2. The business name, mailing address, telephone number, and social security number of the applicant;
 3. The exact location of the business, if different from subsection (B)(2).
- C.** All persons licensed or registered under this Section, and all other persons described in A.R.S. § 3-2081, shall maintain the records required under A.R.S. § 3-2081 for a minimum of 1 year. In addition, all registered dead animal haulers, licensed rendering and tallow plants, and pet food manufacturing plants shall prepare and submit the reports required under A.R.S. § 3-2695 and shall include copies of those reports as part of records maintained under this Section and A.R.S. § 3-2081.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-208 renumbered from Section R3-9-208 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3).

Former Section R3-2-203 renumbered to R3-2-208; new Section R3-2-203 renumbered from Section R3-2-208 and amended by final rulemaking at 5 A.A.R. 1593, effective May 5, 1999 (Supp. 99-2).

R3-2-204. Official Slaughter Establishment

In addition to the requirements in A.R.S. § 3-2051, the following shall be provided when slaughtering cattle, calves, sheep, and hogs:

1. Cattle.
 - a. A metal knocking box or concrete box with metal door to confine the animals prior to stunning;
 - b. A separately drained, dry landing area at least 5 feet wide in front of the knocking box;
 - c. A curbed-in bleeding area at least 8 feet wide and 7 feet long, located so that blood will not splash upon stunned animals lying in the dry landing area or upon carcasses being skinned on the siding bed. Curbing shall be at least 6 inches high and 6 inches wide;
 - d. A separately drained area at least 5 feet from the curbed-in bleeding area to the siding bed;
 - e. A distance of at least 14 feet from the vertical of the dropoff to the vertical of the hoist where carcasses are eviscerated. For multiple-bed plants, this distance shall be increased to 16 feet;
 - f. A distance of at least 14 feet between the vertical of the hoist where carcasses are eviscerated and the header rail leading to the cooler. This distance may be shortened when a single rail hang-off is used;
 - g. A distance of at least 3 feet from the header rail to the adjacent wall;
 - h. A bleeding rail with its top at least 16 feet above the floor or a traveling hoist on an I-beam which will provide an equivalent distance of the carcass from the floor;
 - i. Floor space for a head-flushing cabinet and head inspection rack with removable hooks;
 - j. When hides are dropped to a room below, a hide chute near the point where hides are removed from the carcasses. The chute shall have a vented hood with a self-closing, push-in door. The vent shall be approximately 10 inches in diameter and extend to a point above the roof. Additional chutes, which meet the requirements of this subsection, for inedible and

- condemned materials shall be provided separate from the hide chutes;
 - k. A 2-level viscera inspection truck for evisceration, except when a moving top viscera inspection table is used;
 - l. An area for washing and shrouding carcasses which shall be curbed and sloped to a separate drain or have a slope of approximately 1/2 inch to the foot leading to a separate drain;
 - m. Dressing rails and cooler rails at least 11 feet in height.
2. Calves and sheep.
 - a. A bleeding rail with its top approximately 11 feet from the floor. The floor of the bleeding area shall be curbed and separately drained;
 - b. Dressing and cooler rails of such height as to provide a clearance of at least 8 inches from the carcasses to the floor. Calves which are of such size that there is not a clearance of at least 8 inches above the floor, or whose viscera cannot be transferred manually and unaided to the inspection stand, shall be skinned and eviscerated as cattle;
 - c. Facilities for washing hides of calves before any incision is made (except the sticking wound) when carcasses are dressed hide on. The heads of calves and veal slaughtered by the Kosher method shall be skinned prior to the washing of the carcasses;
 - d. Facilities for flushing, washing, and inspecting calf heads, including head-flushing cabinet and head inspection rack with removal calf loops;
 - e. Facilities for the inspection of the viscera. A hopped metal stand shall be provided which accommodates 2 removal inspection pans. One inspection pan is for the thoracic viscera; the other is for the abdominal viscera. The pans shall have perforated bottoms and handles or hand holes for removal. A sterilizing receptacle shall be provided for sterilization of contaminated pans;
 - f. Facilities for washing sheep carcasses after removal of the pelt. Calves and sheep shall be washed again after they have been eviscerated.
 3. Hogs.
 - a. Facilities for bleeding hogs in a hanging position, over a separately drained, curbed-in bleeding area;
 - b. A scalding vat and gambreling table, including the platforms, of metal construction;
 - c. A shaving rail to assure that carcasses are cleaned;
 - d. A hopped metal stand for the inspection of viscera. A sterilizing receptacle shall be provided at a convenient location for the sterilization of contaminated pans;
 - e. Dressing and cooler rails at least 9 feet high or of such height as to provide a clearance of at least eight inches between the lowest point of the carcass, or head if left attached, and the floor.
 4. Coolers. A chill cooler and separate holding coolers may be provided or both may be combined in one room. The chill cooler shall have floors of concrete sloped to a drain. The walls shall be smooth, light colored, impervious, and the room shall be sealed. The other coolers shall have floors of concrete; the walls shall be smooth, free of cracks, light colored, impervious, and the room shall be sealed. The door between the slaughtering department and the chill cooler shall be clad with rust-resistant metal. Rails shall be spaced at least 2 feet from walls, columns, refrigerating equipment, or other fixed equipment to pre-

- vent contact with the carcasses. Header rails shall be 3 feet from the walls. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans connected to the drainage system. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system shall be installed beneath the coils. When edible offal is chilled or stored in a cooler other than a separate offal cooler, that area shall be separately drained.
5. Other edible products departments.
 - a. Floors, walls, and ceilings in the various edible products departments of the plant shall be constructed of material that can be readily kept clean. Wooden structures and equipment shall be kept at a minimum. Floors requiring drainage shall be constructed of dense concrete or floor brick laid on a concrete base. The interior walls and, where practical, ceiling surfaces shall be smooth and flat. Walls shall be constructed of glazed tile, smooth cement plaster, or other USDA-approved impervious material. Walls shall be free of cracks and crevices, and, where brick or tile is used, the mortar joints shall be flush with the surface of the walls. Walls shall be light colored.
 - b. The floors of the plant shall be well-drained; a slope of not less than 1/4 inch to the foot to drainage inlets is required. The floors shall be smooth, impervious, and in good repair; they shall be free from cracks and depressions which could hold floor liquids. Wooden floors are not permitted. Junctions of floors and walls shall be coved.
 - c. Walls, ceilings, beams, and hangers shall be cleaned. Rails may be oiled instead of painted. Rust and scale shall be removed from hangers and meat trolleys. Smooth Portland cement plaster walls shall not be painted.
 6. Hide room. The floor of the hide room, if provided, shall be of concrete and drained. Walls shall be smooth and impervious to at least the highest point of the hide pile. The hide room shall not connect with the slaughtering department except for 1 opening which shall be equipped with a tight-fitting, self-closing door. The hide room shall not connect with any other room in which edible products are stored, processed, or handled.
 7. Disposal of blood. When blood is not permitted to drain into the sewage system, it may be collected in a metal tank and removed from the premises or blown to the blood drier in a manner that will not mask odors or create a harborage for pests.
 8. Other inedible products departments.
 - a. An inedible products department, completely separate and apart from edible products departments, shall be provided. Walls shall be of smooth, finished, Portland cement plaster, glazed tile, or other USDA-approved material impervious to moisture. Floors shall be constructed of dense concrete or floor tile, sloped to drain. Hot and cold water connections shall be provided. With the exception of 1 opening to the slaughtering department, there shall be no openings between an inedible products department and an edible products department. This one opening shall be approximately 5 feet in width to allow the free passage of materials and shall be equipped with a close-fitting, self-closing door of solid construction. This door shall be kept closed at all times, except when in actual use, to prevent the entrance of undesirable odors to the slaughtering department. The area at the loading dock shall be paved, drained, and of sufficient size to accommodate the largest truck used. If inedible offal is stored in an edible offal room, the room is classed as an inedible products department. Paunches may be opened in the slaughtering department only when a hydraulic mechanically operated paunch lift table is provided and used for this purpose. Otherwise, the paunches shall be opened in the inedible offal rooms.
 - b. Requests for permission for rendering of shop scraps and outside dead animals shall be made to the inspector who shall grant or deny the request pursuant to Article 2.
 9. Pens.
 - a. Holding pens shall be surfaced with an impervious material, sloped to drains. A curb shall be installed around the outside of the pens to prevent the wash from escaping. Water under pressure shall be available for washing out the pens. Feeding pens shall be at least 300 feet from the plant and shall not be located in front of the plant.
 - b. Holding and shackling pens shall be located outside of, or separated from, the slaughtering department.
 10. Drainage
 - a. Floors which require flushing during operations shall have sloped floor drains to carry off the floor drainage. Each floor drain shall be equipped with a deep-seal trap; the drainage lines shall be vented to the outside in accordance with local plumbing codes. In no case shall a drain line be less than four inches in diameter.
 - b. Sewage may be disposed of into a municipal sewer system, if permitted by local ordinance, or it may be disposed of into a stream or other similar body of water, provided that:
 - i. This method is acceptable to local health authorities having jurisdiction over sewage disposal, and
 - ii. The flow of the stream or other body of water is sufficient to carry the sewage away from the plant at all seasons of the year. When cesspools are used, they shall be of sufficient size to receive the sewage from the plant at all times; they shall be so constructed that they do not create a nuisance by breeding flies or other insects.
 - c. Grease recovery basins shall not mask odors or create a harborage for pests.
 11. Equipment and utensils.
 - a. Equipment shall be constructed of metal and shall be so constructed that it can be easily cleaned. Cutting boards may be of hard wood or synthetic material, but equipment, such as the framework of boning or cutting tables, scalding vats, offal racks and trees, product storage racks, and product trucks shall be of metal construction. Rusty or worn-out equipment shall be replaced.
 - b. All equipment shall be thoroughly cleaned following each day's operations. The use of a clear, colorless, odorless, tasteless, edible mineral oil may be used on metal equipment, such as choppers, grinders, mixers, tables, meat trucks, offal racks, hooks, and trolleys. Scale shall not be permitted to accumulate on metal equipment.

- c. Sterilizing receptacles equipped with drains to permit draining and cleaning shall be placed at convenient locations in the slaughtering department for the cleaning and sterilization of contaminated tools and equipment. Water wasting from equipment shall not flow across the floor.
 - d. Shovels used for transferring ice or other edible materials from one container to another shall not touch the floor.
12. Ventilation and lighting. Natural ventilation may be supplemented by artificial means and shall be sufficient to assure the absence of dust, masking odors, or steam vapors. Points where inspection is conducted may require special lighting. The glass area shall be at least 1/4 of the floor area in all nonrefrigerated work rooms. To assure adequate lighting at all times and at all places, natural lighting must be supplemented by well-distributed artificial lighting.
13. Water supply, wash basins, sterilizing facilities.
- a. Hot and cold running water, under pressure, shall be available at all parts of the establishment and in conformity with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls that may be contaminated by the dressing procedure or handling of diseased carcasses, viscera, and other animal parts, shall be at least 180° F. A thermometer shall be installed to verify the temperature of the water at the point of use. A cleanup hose shall be available for use.
 - b. Foot-pedal operated wash basins shall be placed in or near dressing rooms. These wash basins shall be equipped with running hot and cold water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. The drainage outlet shall lead directly into the sewage lines. Soap and towels, and a receptacle for dirty paper towels or other trash, shall be convenient to the wash basin.
 - c. One or more wash basins shall be located in the slaughtering department, and 1 or more in the sausage manufacturing room and at any other place in the establishment essential to ensure cleanliness of all persons handling products. The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage lines. Soap and disposable towels shall be convenient to the wash basins.
 - d. Water for sterilizing purposes shall be maintained at a temperature of at least 180° F. One or more sterilizing receptacles of rust-resisting, impervious material shall be placed at convenient locations in the slaughtering department for the sterilization of all implements that have been contaminated or used on a diseased carcass or part of a diseased carcass. The sterilizer shall be equipped with a cold water and steam line, or other means to maintain water at a temperature of at least 180° F during slaughtering operations. The sterilizer shall contain a drain so that water may be completely drained out for daily cleaning. Boilers and water heaters shall not be located in the slaughtering department or in any edible products department. To prevent possible back siphonage, vacuum breakers shall be provided on all steam and water lines when open ends are submerged or connected to equipment.
14. Protection against flies, rodents, or other vermin.
- a. Plants must be kept free of flies, rats, mice, roaches, and other pests or vermin. The plant shall be constructed to prevent entrance of rodents to the premises and to eliminate their breeding places from the surrounding areas and in the establishment. Construction of the plant shall be such as to eliminate roach and other insect harbors. Windows, doors, and other openings to the plant shall be provided with insect screens, or other measures to prevent entrance of flies or other insects. The screens shall be kept in good repair. Sprays containing residual-acting chemicals shall not be used in edible products departments.
 - b. Animal-handling facilities such as stock pens and runways shall be cleaned as often as necessary and the manure or other waste materials removed shall not be permitted to accumulate at or near the plant.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-204 renumbered from Section R3-9-204 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1593, effective May 5, 1999 (Supp. 99-2).

R3-2-205. Requirements for Designation of Rendering Plants to Produce Certified Animal Fat

- A.** Certification of animal fat.
- 1. The Department shall provide certification of rendering facilities and of animal fats to be exported to foreign countries.
 - 2. Any licensed rendering plant in Arizona may apply in writing to the Department for certification of its plant or of the animal fat produced in the plant.
 - 3. As prescribed in subsection (G)(2), the certificate of animal fat shall state that the animal fat identified has been produced by renderers who exclude carcasses and parts condemned because of disease, and dead animals and materials not originally produced under federal or state inspection.
- B.** Certification of facilities.
- 1. Upon written request from a renderer, an inspection shall be made of the rendering plant to determine the plant's category:
 - a. Category A: No raw materials from diseased carcasses and parts or dead animals are used in the rendering plant.
 - b. Category B: Diseased carcasses and parts and dead animals are processed only in segregated equipment within the plant.
 - c. Category C: Diseased carcasses and parts and dead animals are processed through the plant equipment at a separate time of the day from the production of certified animal fat. Raw materials used in the production of non-certified animal fats shall be segregated from raw material used in producing certified animal fat. Production of certified animal fat shall take place in equipment from which all non-certified material has been removed.
 - 2. The Department shall certify the plant's participation in the certified animal fat program if it finds that the rendering plant meets the following requirements:

- a. The plant is licensed by the state of Arizona as a rendering plant pursuant to A.R.S. § 3-2081.
 - b. The plant is equipped and staffed to operate in accordance with the procedures designated in this rule.
- C. Processing certified animal fat.**
1. Raw materials used in the production of certified animal fat shall be free from condemned and/or diseased material and shall be derived from products originally produced under federal and state inspection.
 2. The following materials shall be excluded from the production of certified animal fat.
 - a. All carcasses and parts from dead, dying, or diseased animals;
 - b. All meat and meat products not originally inspected by state or federal inspectors;
 - c. All meat and meat products condemned because of disease during state or federal meat and poultry inspection.
 3. Separation of raw materials.
 - a. Raw materials not certified pursuant to subsection (G)(2) for certified animal fat production shall be separated from other material at the plant of origin by storing the raw material in separate marked containers which shall be identified as containing material not approved for use in producing certified animal fat.
 - b. The separation of raw materials as described in subsection (C)(3)(a) shall be maintained at all times including during transportation, storage, and rendering.
- D. Registration and record-keeping.** All persons engaged in the business of buying, selling, storing and exporting certified animal fat shall be registered with the Department and shall maintain records of all transactions in connection with such fats.
- E. Inspection.**
1. Inspectors shall make one or more unannounced inspections a year to insure that only raw materials certified pursuant to subsection (G)(2) are used in certified animal fat production and that the separation of finished products is maintained.
 2. Rendering plants certified under this rule shall make all premises of the rendering plant including storage and export facilities open to inspection by the Department inspectors during the normal hours of operation.
- F. General.**
1. The inspector shall sign the renderer's certificate verifying the animal fat produced in the plant.
 2. If the renderer's certificate has been suspended or revoked, the renderer shall surrender the certificate upon request of the inspector.
 3. No animal fats shipped into Arizona may be mixed with certified animal fat produced in Arizona unless it is certified by the producing state or the USDA.
 4. A copy of the certificate shall be available for inspection by a representative of the Department during normal business hours.
- G. Certificates of certification.**
1. Certification of facilities

Exhibit A

Arizona Department of Agriculture

Date

This is to certify that _____

(Company)

at its plant located at _____

produces animal fat obtained by rendering raw materials (free from condemned and/or diseased materials) collected only from sources which process meat products or slaughter animals for edible consumption under Category _____ of A.A.C. R3-2-205.

(Inspector)

2. Certification of animal fat

Exhibit B

This certification is for _____ pounds (Weight)

of rendered animal produced by renderers who exclude carcasses and parts condemned because of disease and dead animals and materials not originally produced under federal inspection or A.A.C. R3-2-205 during the period

_____ to _____ represented
(Date) (Date)

by invoice(s) _____

(Invoice Numbers)

dated _____ sold or shipped to
(Date)

(Firm Name and Address)

(Authorized Signature)

This certificate and a copy of the invoice shall follow the lot of animal fat to the export terminal.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-205 renumbered from Section R3-9-205 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3).

R3-2-206. Purchase, Sale, Collection, Transportation, Disposition, and Use of Meat or Meat Food Products; Dead Animals; Animal Bone, Animal Fat, Animals Offals

- A.** No person shall buy, sell, offer for sale, store, transport, receive, or collect any meat or meat food product except as provided in this subsection.
1. Any of the following meat or meat food products may be bought, sold, or offered for sale as animal food and may be stored, transported, received, or collected anywhere within the state:
 - a. Any meat or meat food product which has been processed in an animal food manufacturing plant licensed by the Department;
 - b. Any meat or meat food product which has come from an animal that has died by slaughter or has been approved or passed for animal food by either state or federal meat inspectors;
 - c. Any meat or meat food product which has been thoroughly cooked at a minimum temperature of 180°F. for 30 minutes and has been certified by state or federal meat inspectors having jurisdiction at the place of processing.
 2. A carcass with the hide, hair, or pelt still on the carcass may be bought, sold, offered for sale, collected and transported to, or received or stored by the following only:
 - a. A rendering or tallow plant,
 - b. A state or county diagnostic laboratory or crematory, or
 - c. An animal food manufacturing plant.
 3. Any meat or meat food product described in subsections (A)(1) and (2) shall be denatured with a denaturant that

will not leave a toxic residue and is removable when steam is distilled at atmospheric pressure.

4. Any meat or meat food product that has been condemned by state or federal meat inspectors shall be treated as provided in 9 CFR 314.3, which has been incorporated by reference in R3-3-202, and may be disposed of as provided in that rule or may be collected and transported to or received and stored in a rendering or tallow plant or a state or county diagnostic laboratory or crematory.
- B. A person engaged commercially in the collection or transportation of dead animal carcasses or inedible meat shall be registered with the Department as a dead animal hauler and shall maintain and keep all records for such period of time as required by R3-2-208(C).
- C. All vehicles and other means of conveyance used to transport dead animal carcasses or inedible meat shall be leak proof, constructed of impervious materials that permit thorough cleaning and sanitizing, and equipped to assure the control of insects and odors and prevent the spread of disease.
- D. A dead animal carcass may be processed only at a licensed rendering or an animal food manufacturing plant as prescribed in A.R.S. § 3-2088 and this Article.
- E. Discarded animal bone, animal fat, and animal offals generated by wholesale food manufacturers shall be transported, received, and rendered only by a licensed rendering plant.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-206 renumbered from Section R3-9-206 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3).

R3-2-207. Meat from Dead Animals Processed and Decharacterized for Use as Animal Food

- A. The following are minimum requirements for animal food manufacturing plants:
 1. Hot and cold water shall be provided with facilities for its distribution in the plant which shall conform with the minimum requirements of the state Department of Health Services. The hot water shall be at least 180°F. and shall be used for the cleaning of equipment, floors, and walls.
 2. There shall be a drainage and plumbing system and a sewage disposal system that will not serve as a breeding place for flies, constitute a hazard, or endanger public health. Both systems shall meet the minimum requirements of the state Department of Health Services.
 3. The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of materials, construction, and finish that are capable of being thoroughly cleaned. The floors shall be tile, cement or other material impervious to water and shall have sufficient drainage to preclude stagnant accumulations of moisture.
 4. All outside windows and doors shall be screened.
 5. All rooms shall have natural or artificial lighting and well-distributed ventilation sufficient to prevent uncontrolled mold growth and filth or bacteria that may endanger health.
 6. The plant shall be kept free from flies, rats, mice, and other vermin. Dogs and cats shall be excluded from the plants.
 7. Tables, benches, and other equipment shall be provided so that processing can be performed free from filth or bacteria that may endanger health.
 8. Each plant shall provide toilets, wash basins, towels, hot and cold running water, and soap for the employees with separate facilities when both sexes are employed. Toilets and wash basins shall be kept free from filth or bacteria that may endanger health. The rooms in which the toilet

facilities are located shall be ventilated and shall be separated from the rooms in which the animal food is manufactured.

9. Coolers shall be maintained below 40°F. Freezers shall be maintained below 10°F.
- B. Decharacterizing or denaturant agents: The following USDA-approved denaturant agents may be used: Charcoal (finely powdered) with a minimum 1 lb. per 100 lbs. meat, F-D & C Blue 1, F-D & C Blue 2, F-D & C Green 3, or liquid charcoal.
 1. In addition to the application of the denaturing agents listed, meat or meat products shall be identified with the following information:
 - a. The kind of animal,
 - b. The following phrases:
 - i. For pet food only from dead animals,
 - ii. Denatured with _____,
 - c. The correct statement of net weight, and
 - d. The name and address of processor or manufacturer.
 2. Before the denaturing agents are applied to pieces more than four inches in diameter, the pieces shall be freely slashed or sectioned. The application of any of the denaturing agents listed in this Section to the outer surfaces of molds or blocks of boneless meat, meat by-products, or meat food products shall not be considered adequate. The denaturing agent shall be mixed thoroughly with all of the material to be denatured and shall be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. Denaturant shall be used to give the meat, meat by-products, raw animal fat, or rendered animal fats and oils, a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.
 3. All denaturing shall be done immediately upon condemnation of the meat or product, or immediately after the meat or product is prepared or during preparation.
 4. True containers shall be legibly marked with the words "Beef or horse meat from dead animals for pet food only and not for human consumption" in letters at least ¾ inch in height, on all sides and in at least two places if the container has less than four sides.
 5. Every carrying container in which meat obtained from a dead animal is packaged shall have an exterior surface sufficiently absorbent so that the markings on at least two sides, in letters two inches high "Pet food only", will not become illegible during handling, storage, or transportation of the container.
- C. Sales of meat obtained from a dead animal are permitted only to kennels, zoos, and animal food manufacturing plants registered by the Department and records of sales shall be maintained by the purchaser and animal food manufacturing plant.
- D. Each vehicle used for the transportation of fresh or frozen pet food shall be clearly and legibly marked with the name of the manufacturer in letters not less than four inches in height on both sides of the cab or body.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-207 renumbered from Section R3-9-207 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3).

R3-2-208. Diseased and Injured Animals

- A. Diseased animals.
 1. No meat from any diseased animal shall be processed, sold or stored at premises where food is sold or prepared for human consumption, unless it is decharacterized and clearly identified "Not for Human Consumption."

2. Subsection (A)(1) does not apply to meat from animals affected by any disease that does not render the meat unfit for human consumption if the affected animals are slaughtered in establishments where meat inspection is maintained under A.R.S. § 3-2051 and 9 CFR, Chapter III, Subchapter A, which is incorporated by reference in R3-2-202(A).
- B. Injured animals.** An injured animal may be slaughtered by:
1. The animal's owner at the owner's premises if the meat is used solely for consumption by the owner, the owner's immediate family, or employees. The owner shall keep the animal's hide until it has been inspected and marked or tagged by a livestock officer under A.R.S. § 3-2011.
 2. An official slaughter establishment, if:
 - a. The animal is inspected by a livestock officer at origin; or
 - b. The animal is transported to the official slaughter establishment with a self-inspection certificate; or
 - c. The animal is transported to an official slaughter establishment with a waiver from the Associate Director and the waiver is documented by the livestock officer.
 3. An exempt slaughterer, if the meat is used solely for consumption by the animal's owner, the owner's immediate family or employees, and if:
 - a. The animal's body temperature is 103° or less and except for the injury its condition appears normal; and
 - b. The animal is inspected by a livestock officer at origin who verifies the temperature and condition of the animal and approves it for slaughter; or
 - c. The Associate Director waives the inspection and the waiver is documented by the livestock officer, and the exempt slaughterer verifies the temperature and condition of the animal.
- Historical Note**
- Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-203 renumbered from Section R3-9-203 (Supp. 91-4). Amended effective July 13, 1995 (Supp. 95-3). Former Section R3-2-208 renumbered to R3-2-203; new Section R3-2-208 renumbered from Section R3-2-203 and amended by final rulemaking at 5 A.A.R. 1593, effective May 5, 1999 (Supp. 99-2).
- R3-2-209. Exempt Non-mobile Slaughter Establishments**
- In addition to A.R.S. § 3-2050 and the material incorporated in R3-2-202(A), the following shall be provided when slaughtering animals in an exempt non-mobile slaughter establishment:
1. General.
 - a. A metal knocking box or concrete box with metal door to confine the animal before stunning;
 - b. A distance of at least 3 feet from the header rail to the adjacent wall;
 - c. A bleeding rail with its top at least 16 feet above the floor; and
 - d. Dressing rails and cooler rails placed so the lowest part of the carcass is at least 12 inches from the floor.
 2. Coolers. A chill cooler and separate holding cooler may be provided or both may be combined in 1 unit. The walls shall be light colored, smooth, free from cracks, and impervious to moisture. The door between the slaughtering department and the chill cooler shall be clad with rust-resistance-material. Rails shall be spaced at least 2 feet from walls, columns, refrigeration equipment, or other fixed equipment to prevent contact with the carcasses.
 3. Disposal of blood. If blood is not permitted to drain into the sewage system, it may be collected in a metal tank and removed from the premises.
 4. Drainage.
 - a. Floors that require flushing during operations shall have sloped floor drains to carry off the effluent. Drainage systems shall conform to state and local plumbing codes.
 - b. Grease recovery systems shall not mask odors or create a harborage for pests.
 5. Ventilation and lighting. Natural ventilation may be supplemented by artificial means and shall be sufficient to ensure the absence of dust, masking odors, or steam vapors. To ensure adequate lighting at all times and at all places, natural lighting shall be supplemented by well-distributed artificial lighting.
 6. Potable water supply, wash basins, sterilizing facilities.
 - a. Hot and cold running water, under pressure, shall be available in all parts of the plant and in conformity with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls that may be contaminated by the dressing procedure or handling of diseased carcasses, viscera, and other animal parts, shall be at least 180° F. A thermometer shall be installed to verify the temperature of the water at the point of use. A cleanup hose shall be available for use.
 - b. One or more wash basins shall be located in the slaughtering department. The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage lines. Soap and disposable towels shall be convenient to the wash basins.
 - c. The tool sterilizer shall be maintained at 180° F and be in operation at all times during slaughter activities.
 7. Protection against flies, rodents, or other vermin.
 - a. Establishments shall be free of flies, rats, mice, roaches, and other pests or vermin. The establishment shall be constructed and maintained to prevent entrance of pests to the premises and to eliminate breeding places from the surrounding area and in the establishment.
 - b. Animal handling facilities such as stock pens and runways shall be clean and manure or other waste materials removed shall not accumulate at or near the establishment.
- Historical Note**
- New Section adopted by final rulemaking at 5 A.A.R. 1593, effective May 5, 1999 (Supp. 99-2).
- ARTICLE 3. FEEDING OF ANIMALS**
- R3-2-301. Operation of beef cattle feedlots**
- A. Feedlot categories**
1. The following categories are established:
 - a. Category A: Those feedlots located in, or immediately adjacent to, areas where feedlot operations may adversely affect considerable numbers of people, public improvements or safety as determined by the Board.

- b. Category B: Those feedlots which are located in rural areas where feedlot operations may adversely affect public improvements or safety, such as highways or streams, but do not affect considerable numbers of people, as determined by the Board.
 - c. Category C: Those feedlots located in rural areas where feedlot operations do not affect considerable numbers of people or public improvements such as highways, or streams, as determined by the Board.
 - 2. Regarding the determination of categories of feedlots, the Board shall assign each feedlot to a specific category in accordance with the above section. The assigned categories are reviewable and reassignments may be made by the Board.
- B. Performance and code of operation**
 - 1. Category A feedlots shall:
 - a. Take such steps as necessary and required as determined by the Board, to prevent any dust from arising and spreading from any feedlot which shall be dangerous to the public health or offensive to the public generally.
 - b. Use reodorants, deodorants or other effective and economically practical means in the pen area so that offensive odors from the feedlots are kept to limits that are determined satisfactory by the Board.
 - c. Remove manure and clean all pens at least three times per year or more often if the need be determined by the Board. In enforcing this provision, consideration shall be given to the effect of inclement weather which might preclude removal.
 - d. Keep stacked manure after removal from pens to a minimum and in as dry a condition as possible. Where stacking after removal is necessary, the stack shall be kept and handled in as odor free condition as practical.
 - e. Employ methods of operation which are designed to eliminate stagnant water in feedlots.
 - f. Employ such measures as are necessary for the control of flies and other insects.
 - 2. Category B feedlots shall:
 - a. Remove manure and clean all pens at least once a year or more often if need be determined by the Board.
 - b. Take necessary measures to prevent waste water from contaminating streams, ponds, lakes or the underground water table.
 - c. Take such measures to control dust from the feedlot operations as are determined to be necessary by the Board.
 - 3. Category C feedlots shall:
 - a. Take necessary measures to prevent waste water from contaminating streams, ponds, lakes, or the underground water tables.
 - b. Remove manure and clean all pens at least once a year.
- C. Rules procedure**
 - 1. The Board shall hear and decide cases pertaining to feedlot complaints according to the following method:
 - a. Receive complaints regarding feedlots. All complaints shall be in writing signed by complainant and dated.
 - b. Make or cause to be made an investigation to determine the conditions that do exist and whether or not the complaint is justifiable. Such investigation shall be commenced within ten days after receipt of complaint.
 - c. Direct the complaint to the proper agency if the matter is outside the jurisdiction of the Board.
 - d. If the complaint is within the jurisdiction of the Board, the Board will evaluate the performance of the feedlot according to the standards or codes of operation as they exist at the time of the complaint and take one of the following steps:
 - i. Dismiss the complaint if unjustified.
 - ii. Issue a written notice to the offending party describing the violation and imposing a reasonable time limit for correction and compliance with the existing standards or codes.
 - iii. Consult with the complainant and feedlot operator together with necessary third parties, technical consultants or other members of the community, when inadequate standards exist or where no standards exist, in order to establish requirements which will bring conditions to within limits to the satisfaction of the Board.
 - iv. Notify the complainant in writing of final disposition of complaint.
 - 2. The Board shall take such action as is necessary which shall be final and conclusive on all parties served with notice of such action, unless parties filed with Board notice of appeal within five days after decision or prior to the expiration of any compliance order, whichever period is shorter.
 - 3. The Board shall be responsible for enforcement of all performance standards and codes.
 - 4. The Board shall conduct hearings.
 - 5. The Board shall maintain records of proceedings including documents, testimony, summary, and decisions of the Board with number of affirmative votes on each decision.
 - 6. The Board shall institute regular inspection for all licensed feedlots to see that they are being operated according to Section V of these regulations and make a record of all inspections.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-301 renumbered from Section R3-9-301 (Supp. 91-4).

R3-2-302. Requirements for permit to feed garbage to swine

A swine garbage feeding permit folder or applicant for a permit to feed garbage to swine must be in compliance with the following requirements:

- 1. An approved cooker capable of adequately processing garbage as required by law must be installed and in operating condition on the premise.
- 2. An approved concrete slab, trough or other equally effective cleanable area or equipment for feeding garbage must be provided.
- 3. Premise to be utilized for swine garbage feeding must be reasonably clean, free of litter, adequately drained and reasonable methods provided for removal of animal excrement and garbage not consumed or used.
- 4. Individually operated swine garbage feeding premises must be separated from another swine feeding premise by a minimum distance of 200 feet in all directions and so constructed to prevent the escape of any swine.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-302 renumbered from Section R3-9-302 (Supp. 91-4).

ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**R3-2-401. Mandatory disease reporting by veterinarians**

All veterinarians, licensed, accredited, institutional, state or federal, shall, when a diagnosis of the following named infectious or contagious animal diseases is made within the state of Arizona, report this to the Livestock Board and, with Livestock Board approval, any additional diseases that need be added to the list from time to time by the State Veterinarian when considered essential to the livestock industry:

1. Hog Cholera.
2. Swine Brucellosis.
3. Bovine Brucellosis.
4. Bovine Tuberculosis.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-401 renumbered from Section R3-9-401 (Supp. 91-4).

R3-2-402. Individual identification of swine at market

All feeder and breeder swine in Arizona moving through markets or other concentration points in intrastate and interstate commerce shall be individually identified and a record kept as to origin and destination.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-402 renumbered from Section R3-9-402 (Supp. 91-4).

R3-2-403. Prohibition of live hog cholera virus

The importation, manufacture, sale or use of live hog cholera virus into or within the state of Arizona is hereby prohibited.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-403 renumbered from Section R3-9-403 (Supp. 91-4).

R3-2-404. Prohibition of live virus hog cholera vaccine

- A. The sale, purchase or use of living hog cholera virus vaccines within the state of Arizona is prohibited. The State Veterinarian is empowered to authorize the official use of Modified Live Virus Vaccines if deemed necessary.
- B. Official vaccination using killed or inactivated hog cholera vaccine or use of hog cholera serum or antibody concentrate shall be permitted until such time as the State Veterinarian restricts its use to conform to the provisions of the National Hog Cholera Eradication Program.
- C. Any person violating the provisions of the Swine Biologic regulation with a resultant outbreak of hog cholera shall cause the swine to be subject to only one-half the usual appraised indemnity and the owner shall be subjected to the penalties provided by law.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-404 renumbered from Section R3-9-404 (Supp. 91-4).

R3-2-405. Requirements for depopulation of hog cholera infected premises

When Hog Cholera is officially diagnosed in a swine herd, it shall be required that immediate depopulation and disposal of all infected and exposed swine on the premise be accomplished in cooperation with the USDA-APHIS.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section

R3-2-405 renumbered from Section R3-9-405 (Supp. 91-4).

R3-2-406. Brucellosis control -- feedlots and auction markets**A. Brucellosis rules and regulations governing feedlots**

1. Free Area feed pens or lots shall be areas which are isolated from all other quarantined feed pens, having separate loading and unloading chutes, alleys and handling facilities. They must not share water or feeding facilities accessible to quarantine areas. They must be posted at all corners with permanently affixed signs stating "Free Area" and contain only free area cattle. There must be a minimum of eight feet between quarantined and free area facilities, no common fences or gates may be used, and this area cannot be used for the handling of cattle.
 - a. Cattle in free area pens or lots must retain their identity and be documented as such cattle.
 - b. To enter free area pens or lots, they must comply with one of the following:
 - i. Native Arizona cattle properly identified as non-quarantined cattle with Arizona brand inspection certificate.
 - ii. Imported steers which are accompanied by a permit number and an official health certificate.
 - iii. Imported beef breed calves under six months of age properly identified and accompanied by a permit number and official health certificate.
 - iv. Imported dairy cattle or beef breeding cattle going into free area feedlots or pens must comply with Arizona importation regulations and be accompanied by a permit number and an official health certificate showing proper identification.
 - c. Free area feed pens or lots shall not handle improperly identified cattle or cattle whose health status is questionable.
 - d. Any violation will remove the facilities from free area to quarantine status.
2. A quarantined feedlot shall be a confined area where cattle are maintained for feeding in a drylot without provisions for pasturing or grazing, except for small contiguous green pastures isolated as is the said feedlot.
 - a. Requirements for cattle to enter and leave are:
 - i. Imported cattle, any age and from any area may enter if accompanied by a permit number and an official health certificate, no brucellosis or tuberculosis testing required.
 - ii. Any native cattle accompanied by an Arizona livestock inspection certificate.
 - iii. All animals, except steers, leaving such feedlot shall move only to slaughter, another quarantined feedlot or a specifically approved auction market.

B. Brucellosis rules and regulations governing auction sales

1. Free Area Pens shall be located so they are isolated from all other pens, having separate loading and unloading chutes, alleys and handling facilities. They must not contain any common water or feeding facilities which are accessible to quarantine pens. Only free area cattle are allowed in these pens. All cattle in these pens must be identified and retain their identity as long as they remain in this area.
 - a. Cattle requirements to enter free area pens and facilities are:

- i. Native Arizona cattle which are properly identified as non-restricted cattle with an Arizona livestock inspection certificate.
 - ii. Imported steers accompanied by a permit number and official health certificate.
 - iii. Imported beef breed calves under six months of age properly identified and accompanied by a permit number and an official health certificate.
 - iv. Imported dairy or beef breeding cattle must comply with Arizona importation regulations and show proper identification.
 - b. Any violation will remove the facilities from free area to quarantine status.
2. Quarantined pens shall be a confined area where cattle are maintained away from all free area facilities. They shall contain their own loading and unloading chutes, with separate driving alleys and handling facilities.
- a. These pens must be so identified by signs on gates and corners of total quarantine area.
 - b. Quarantine cattle are to be sold after the free area cattle have all been sold.
 - c. The sale ring is to be cleaned and disinfected before the next sale date.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-406 renumbered from Section R3-9-406 (Supp. 91-4).

R3-2-407. Equine Infectious Anemia

- A. The Arizona official test for equine infectious anemia, known as Swamp Fever or EIA, is either the agar-gel immunodiffusion test, known as the Coggins Test, or the Competitive Enzyme-Linked Immunosorbent Assay test, known as the CELISA test. The test shall be performed in a laboratory approved by APHIS and required samples shall be drawn by an accredited veterinarian, the State Veterinarian, the State Veterinarian's designee, or a USDA APHIS veterinarian.
- B. Disposal of equine testing positive.
 - 1. When an Arizona equine tests positive to EIA, the State Veterinarian shall be notified by the testing laboratory immediately by telephone.
 - 2. The EIA positive equine shall be quarantined to the premises where tested, segregated from other equine, and shall not be moved unless authorized by the State Veterinarian. The equine shall be retested by the State Veterinarian, the State Veterinarian's designee, or a USDA APHIS veterinarian.
 - 3. Within 14 days of testing positive, the equine shall be branded by the State Veterinarian on the left side of the neck with "86A" not less than 2 inches in height.
 - 4. The EIA positive equine may be humanely destroyed, consigned to slaughter at a slaughtering establishment, or confined to a screened stall marked "EIA Quarantine" at least 200 yards from other equine. If consigned to slaughter, the equine shall be accompanied by a Permit for Movement of Restricted Animals form, VS 1-27, issued by the State Veterinarian, the State Veterinarian's designee, or a USDA APHIS veterinarian.
 - 5. At the time a quarantine under this Section is effective, and the EIA positive equine is located on premises other than those of the owner, the State Veterinarian may authorize movement of the EIA positive equine to the owner's premises. If the owner lives in another state, the equine may be moved to that state with the permission of the Chief livestock health official of the state and USDA APHIS.

- C. The State Veterinarian may require testing of any equine exposed to EIA positive equine within the last 6 months of exposure. Expenses for this testing shall be paid by the owner.
- D. The owner of any equine found to be positive for EIA shall not be indemnified for any loss caused by the destruction and loss of value of the equine.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-407 renumbered from Section R3-9-407 (Supp. 91-4). Amended effective February 4, 1998 (Supp. 98-1).

R3-2-408. Disposition of livestock showing symptoms or exposed to rabies

- A. Livestock bitten by a known rabid animal may be:
 - 1. Immediately destroyed, or
 - 2. Confined in strict quarantined enclosures or corrals meeting the approval of state regulatory officials for a period of 180 days or such further period of time as may be deemed necessary by said official.
- B. Livestock bitten by a suspected rabid animal shall:
 - 1. Be quarantined in a manner as determined proper by state regulatory officials until such time as said official shall deem it safe to release said quarantine.
- C. Livestock showing symptoms suggestive of rabies shall:
 - 1. Be quarantined as specified in (B)(1) above and shall not be destroyed unless the livestock be so uncontrollable due to circumstance or nature that to protect human life and/or other livestock, it be necessary in the opinion of a state regulatory official that the animal be destroyed and tissues harvested for laboratory procedures.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-408 renumbered from Section R3-9-408 (Supp. 91-4).

R3-2-409. Specifying types of rabies vaccines for animals

All animals vaccinated against rabies in Arizona shall be vaccinated in accordance with Part II of the "Compendium of Animal Rabies Vaccines", 1988, prepared by the National Association of State Public Health Veterinarians, incorporated herein by reference and on file with the Office of the Secretary of State.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4).
Amended effective October 16, 1986 (Supp. 86-5).
Amended effective January 6, 1989 (Supp. 89-1). Section R3-2-409 renumbered from Section R3-9-409 (Supp. 91-4).

ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM**R3-2-501. Tuberculosis Control and Eradication Procedures**

- A. Procedures for tuberculosis control and eradication in cattle, bison, and goats shall be as prescribed in the USDA publication, Bovine Tuberculosis Eradication – Uniform Methods and Rules, effective February 3, 1989. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Cattle or bison willfully exposed to quarantined cattle or bison are not eligible for the tuberculosis depopulation indemnity provided in A.R.S. § 3-1745.
- C. Procedures for tuberculosis control and eradication in cervidae not listed as restricted live wildlife in A.A.C. R12-4-406 shall be as prescribed in the USDA publication, Tuberculosis Eradication in Cervidae – Uniform Methods and Rules, effective

May 15, 1994, including 1995 amendments. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4).
Amended subsection (A) effective October 16, 1986 (Supp. 86-5). Section R3-2-501 renumbered from Section R3-9-501 (Supp. 91-4). Amended effective March 5, 1997 (Supp. 97-1).

R3-2-502. Payment to Owners for Cattle Depopulated from Herds Infected With Tuberculosis

- A. The state shall pay owners a tuberculosis depopulation indemnity of \$100.00 for each purebred animal and \$50.00 for each grade stock animal.
- B. The tuberculosis indemnity claims against the state are payable subject to Director approval and availability of funds.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-502 renumbered from Section R3-9-502 (Supp. 91-4). Amended effective March 5, 1997 (Supp. 97-1).

R3-2-503. Brucellosis Control and Eradication Procedures

- A. Procedures for brucellosis control and eradication in cattle and bison shall be as prescribed in the USDA publication, Brucellosis Eradication – Uniform Methods and Rules, effective May 6, 1992, and revised February 16, 1993, and June 16, 1994. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Procedures for brucellosis control and eradication in swine shall be as prescribed in the USDA publication, Swine Brucellosis Control/Eradication, State-Federal-Industry – Uniform Methods and Rules, revised February 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4).
Amended effective October 16, 1986 (Supp. 86-5).
Amended effective January 6, 1989 (Supp. 89-1). Section R3-2-503 renumbered from Section R3-9-503 (Supp. 91-4). Amended March 5, 1997 (Supp. 97-1).

R3-2-504. Pseudorabies Control and Eradication Procedures

Procedures for pseudorabies control and eradication in swine shall be as prescribed in the USDA publication, Pseudorabies Eradication, State-Federal-Industry Program Standards, effective January 1, 1996. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Secretary of State.

Historical Note

Adopted effective March 5, 1997 (Supp. 97-1).

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

R3-2-601. Definitions

The following terms apply to this Article:

1. “Dairy cattle” means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.
2. “Designated feedlot” means a confined drylot area under state quarantine that has been approved and licensed by the State Veterinarian and is maintained for finish feeding

of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.

3. “Health certificate” means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.
4. “Permit number” means an official serialized number issued by the State Veterinarian’s Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.
5. “Specifically approved stockyard” means a stockyard specifically approved by VS and the State Veterinarian for receiving cattle and bison from other states other than brucellosis-reactor, brucellosis-suspect, and brucellosis-exposed cattle or bison.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-601 renumbered from Section R3-9-601 (Supp. 91-4). Amended effective March 5, 1997 (Supp. 97-1).

R3-2-602. Requirements for importation

Unless otherwise specifically provided in this Article, all animals and poultry transported or moved into the state of Arizona must be accompanied by an official health certificate or a permit, or both, which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals. When a single health certificate and permit number is issued for animals being moved in more than one vehicle, the driver of each vehicle shall have in his possession the original or a certified copy of the health certificate and permit number. (See R3-2-606(B))

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-602 renumbered from Section R3-9-602 (Supp. 91-4).

R3-2-603. Importation of diseased animals

- A. No animals affected with or which have been recently exposed to any infectious, contagious or communicable disease, or which originate in a state or federally quarantined area, may be transported or moved into the state of Arizona unless a permit for such entry is first obtained from the Arizona State Veterinarian’s Office. In addition, all conditions for the movement of animals from a quarantined area established by the quarantining authority or U.S. Department of Agriculture must be met.
- B. If any animal in a lot presented for shipment or movement into Arizona shows a suspicious or positive reaction to any test required for admission to Arizona, no animal from that lot or from the herd in which the animal reacting to the test originates may enter the state of Arizona without special permission from the State Veterinarian or his agent.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-603 renumbered from Section R3-9-603 (Supp. 91-4).

R3-2-604. Permit required for livestock

- A. Livestock may not enter the state of Arizona unless accompanied by an Arizona permit. This requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state.

B. Exceptions:

1. Horses, mules and asses.
2. Livestock consigned directly to slaughter at an approved slaughter establishment.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-604 renumbered from Section R3-9-604 (Supp. 91-4).

R3-2-605. Quarantine for animals entering illegally

- A.** Animals entering the state of Arizona without a valid health certificate or permit, or both if required, or in violation of any rules of the Livestock Board shall be held in quarantine at the risk and expense of the owner until released by an authorized representative of the State Veterinarian. Quarantine may be released only after the State Veterinarian has been satisfied, by appropriate testing, dipping or observation period, that the animals under quarantine as a result of noncompliance with rules of the Board are not a threat to the livestock industry.
- B.** Imported animals failing to meet all entry requirements may be requested to be returned to the state of origin at the discretion of the State Veterinarian.
- C.** If the violation is related to livestock turned on Arizona ranges, the Board upon recommendation of the State Veterinarian shall require the livestock to be immediately gathered at the owner's risk and expense to avoid exposure of Arizona livestock. Such testing, retesting or dipping of the animals as required may be ordered. Return to state of origin, consignment directly to slaughter or consignment to a quarantined feedlot is optional to the owner if testing and retesting at the owner's expense is not mutually agreeable. If the owner fails to comply with directives, the Board shall arrange with dispatch the necessary help to do the work. If the owner refuses to immediately pay the expenses, an auction of sufficient livestock to pay the just expenses shall be held within ten days at a regular livestock auction market. Should further expenses occur due to lack of cooperation by the owner or his agent(s), further sale of livestock shall be ordered by the Board.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Former Section R3-9-605 renumbered to R3-2-605 (Supp. 91-4).

R3-2-606. Official health certificate

- A.** Health certificates are valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and may not be issued unless the animals described thereon comply with Arizona entry requirements, and the health certificate contains: names and addresses of the consignor and consignee, place of origin of shipment, its final destination, accurate description and identification of each animal and method of transportation. (Individual identification is not required for steers or "S" branded cattle consigned to a quarantined feedlot.)
- B.** It must indicate the health status of the animals involved, including dates and results of inspections, dipping, tests and vaccinations required by the state of Arizona. Additions, deletions, unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate null and void. Uncertified photocopies of health certificates are invalid instruments.
- C.** The veterinarian issuing the health certificate must certify that the animals shown thereon are free from evidence of any infectious, contagious or communicable disease or known exposure thereto.
- D.** Accredited veterinarians who are approved by the chief livestock official of the state of origin and accredited veterinarians

in the employ of the U.S. Department of Agriculture may inspect animals for entry into the state of Arizona.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-606 renumbered from Section R3-9-606 (Supp. 91-4).

R3-2-607. Permits

- A.** Permits may be obtained from the Office of the State Veterinarian, 1688 West Adams, Rm. 321, Phoenix, AZ 85007 or by calling (602) 255-4196 and will be issued in the name of the person or entity in Arizona receiving the animal(s). Persons applying for permits shall provide the following information: names and addresses of the consignor and consignee, number and kind of animals, origin of shipment, final destination, method of transportation, and such other information as the State Veterinarian may require.
- B.** Permits are valid for no longer than 15 calendar days from the date of issuance unless otherwise specified.
- C.** Permits will be issued provided the animals shown thereon are in compliance with these rules. However, in order to cope with changing disease conditions, the State Veterinarian may refuse to issue a permit or require meeting additional conditions not specifically set forth in these rules for its issuance as deemed necessary to protect livestock health in Arizona.
- D.** To facilitate the movement of animals required to enter Arizona by permit, if the prerequisites have been met, a permit number may be issued by telephone. The permit number so issued must be affixed or written on the health certificate, brand inspection certificate and any other official documents in this fashion: "Arizona Permit No. _____" followed by the serialized number.
- E.** If the State Veterinarian finds that any person has given false information in connection with a permit for transportation of animals or failed to fulfill the conditions of a permit, or fails to obtain a permit as required, the State Veterinarian may refuse to grant future permits to such person, or others directly associated with such violations.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-607 renumbered from Section R3-9-607 (Supp. 91-4).

R3-2-608. Consignment of animals

All animals transported or moved into the state of Arizona must be consigned to or in care of an Arizona resident, or to a legal entity and address authorized by law to do business in the state of Arizona. (Excluding exhibition or show animals.)

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-608 renumbered from Section R3-9-608 (Supp. 91-4).

R3-2-609. Diversions

No person consigning, transporting, or receiving animals into the state of Arizona may authorize, order or carry out diversion of such animals to a destination or consignee other than set forth on the health certificate or permit without first obtaining permission from the State Veterinarian of Arizona authorizing such diversion.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-609 renumbered from Section R3-9-609 (Supp. 91-4).

R3-2-610. Tests -- official confirmation

All tests of animals required by Arizona or federal authorities as a condition for entry into Arizona must be made or confirmed by state or federal animal diagnostic laboratories.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-610 renumbered from Section R3-9-610 (Supp. 91-4).

R3-2-611. Duties of transporters

- A.** All owners and operators of railroads, trucks, airplanes, or other conveyances used in the transportation of animals into or through the state of Arizona must assure that each consignment or shipment is in conformity with the applicable statutes and regulations of the state of destination and that each Arizona consignment is accompanied by an official health certificate, by a permit issued by the State Veterinarian of Arizona or by both when so required. Such health certificate or permit, or both, must be attached to the waybill accompanying the shipment or be in the possession of the attendant in charge of animals.
- B.** All railroad cars, trucks, airplanes, or other conveyances used in the transportation of animals into or through the state of Arizona must be maintained in a clean and sanitary condition insofar as is reasonable.
- C.** The owners and operators of railroads, trucks, airplanes, or other conveyances which transport animals into this state in violation of this subsection must properly clean and disinfect the conveyance in which such animals were illegally brought into the state. The cleaning and disinfection must be performed under the supervision of an authorized representative of the Office of the State Veterinarian or of the U.S. Department of Agriculture.
- D.** All owners and operators of railroads, trucks, airplanes, or other conveyances must conform to applicable regulations of the Livestock Board, the Arizona Commerce Commission and statutes of the state of Arizona in transporting or moving any animals into, within or through the state of Arizona.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-611 renumbered from Section R3-9-611 (Supp. 91-4).

R3-2-612. Importation of Cattle and Bison

- A.** The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:
 1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison.
 2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies a USDA metal eartag to each animal.
- B.** Arizona shall not accept:
 1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
 - a. Steers and spayed females, and
 - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;
 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot, or to a quarantine pen approved by the State Veterinarian at an export station approved by the USDA;
 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free

State, or without tuberculosis status comparable to an Accredited-Free State;

4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- C.** Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. The owner or owner's agent shall ensure that an official calfhood vaccinate is tested negative for brucellosis within 30 days before entering Arizona if the official calfhood vaccinate is:
 - a. 18 months or older,
 - b. Cutting the 1st set of permanent incisors, or
 - c. Parturient or postparturient.
 2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. All "F" branded cattle or bison that leave the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot or be shipped to another state with the permission of the State Veterinarian in the state of destination.
 3. No brucellosis test is required for cattle or bison originating from a Certified Brucellosis-Free Herd if the herd certification number is documented on the health certificate and import permit.
 4. If native ranch cattle are from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife, no brucellosis test is required when:
 - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the USDA metal eartag numbers are listed on a health certificate; or
 - b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.
 5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within 2 weeks of issue.
 6. The owner or owner's agent shall ensure that beef breeding cattle or breeding bison from Class A States remain under import quarantine and isolation until tested negative for brucellosis not earlier than 45 days nor later than 120 days after entry. Dairy cattle shall be retested only if the State Veterinarian determines that there is a potential risk of the introduction of brucellosis in the state. Exceptions to this import quarantine and brucellosis testing are provided for native ranch cattle in an adjacent Class A State and for official calfhood vaccinates less than 18 months of age if permission is granted by the State Veterinarian.
 7. The owner or owner's agent shall notify the State Veterinarian within 7 days of moving or bison under import quarantine from the destination listed on the import permit and health certificate, unless the animals are shipped directly to an official state or federal slaughter establish-

- ment for immediate slaughter, and shall notify the State Veterinarian at the time animals under import quarantine that are not moved from the destination are retested for brucellosis.
8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis negative.
 9. Within 7 days after importation, the owner or owner's agent shall ensure that the individual metal eartag identification for imported dairy cattle is the same as that listed on the health certificate and shall report any discrepancies to the State Veterinarian. Any dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within 1 week of arrival.
- D.** Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
1. Before entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, January 1, 1996, edition, as amended at 60 FR 13898, 13900, March 15, 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
 2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis not earlier than 60 days nor later than 120 days after entry into Arizona, and again 30 days after calving, unless consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that metal eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.
- E.** Except for the following, all female dairy cattle 4 months of age or older, imported into Arizona, shall be official calfhood vaccinates, properly identified, certified, and legibly tattooed:
1. Show cattle for exhibition,
 2. Cattle from a Certified Brucellosis-Free Herd with permission of the State Veterinarian,
 3. Cattle from a brucellosis-free state or country with permission of the State Veterinarian,
 4. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
 5. Cattle consigned for feeding purposes to a designated feedlot under import permit.
- F.** When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.
- G.** Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. No tuberculosis test is required for:
 - a. Beef breeding cattle, breeding bison, or dairy cattle from an accredited herd if the herd accreditation number is documented on the health certificate and import permit;
 - b. Native commercial and purebred beef breeding cattle from an Accredited-Free State if its accredited-free status is documented on the health certificate; and
 - c. Steers and spayed heifers.
 2. Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.
- H.** Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
1. Before entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, incorporated by reference in subsection (D)(1).
 2. Steers and spayed heifers from states or regions in Mexico that have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico shall not enter the state.
 3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without prior permission of the State Veterinarian.
 4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
 - a. Tested negative for tuberculosis in accordance with procedures equivalent to the Bovine Tuberculosis Eradication – Uniform Methods and Rules within 60 days before entry into the United States, or
 - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.
 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.

6. Beef breeding cattle and breeding bison from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona if they remain under import quarantine and isolation until retested negative for tuberculosis in accordance with the Bovine Tuberculosis Eradication – Uniform Methods and Rules, not earlier than 60 days, nor later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an “F” adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the “F” brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that metal eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.
- I. Bovine scabies requirements.**
1. The owner or owner’s agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed, driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under permit number and seal for immediate slaughter at an official state or federal slaughter establishment.
 2. The owner or owner’s agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, January 1, 1996, edition, as amended at 56 FR 52463, October 21, 1991, before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
 3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise a veterinarian’s examination and certification shall be sufficient.
2. The swine are free from evidence of any infectious, contagious or communicable disease, or known exposure thereto.
 3. Each swine is identified by eartag, and such identification is recorded on the health certificate.
 4. The swine have never been fed garbage.
 5. The swine originate from a state free of any USDA quarantine for any swine disease.
- B. With regards to brucellosis, all breeding swine four months of age and over must:**
1. Be from a validated brucellosis-free swine herd or from a validated brucellosis-free state, or
 2. Enter only after a negative result to a brucellosis test, performed not more than 30 days prior to entry.
- C. With regards to pseudorabies:**
1. All breeding swine three months of age and over must:
 - a. Not originate from a known infected or exposed herd.
 - b. Be tested negative within 30 days prior to entry into Arizona or originate from a Qualified Pseudorabies-Free Herd.
 - c. Be tested not less than 15 days or more than 30 days after entry into Arizona regardless of origin.
 - d. Be isolated for at least 30 days with the following stipulations:
 - i. Isolation unit shall not be in close proximity and shall not be accessible to normal traffic flow, straying pigs, other livestock, pets or working dogs.
 - ii. Equipment, tools and implements shall not be moved from isolation pens to be used at other pens.
 - iii. A means of disinfection shall be maintained for anyone required to work with other livestock or the main herd.
 - iv. Distance between isolation and other swine pens shall be not less than 200 feet and shall be at least double fenced to prevent exposure to accidental strays.
 - v. Quarantined release of isolated and tested or retested breeding stock shall be documented by the releasing veterinarian or livestock official.
 - e. Imported swine showing suspect or positive on first test after arrival may be either held for retest or sold for slaughter within 30 days. Swine showing a positive second test after arrival must be slaughtered within 15 days after notice of positive test results.
 2. All feeder swine:
 - a. May be consigned to a restricted swine feedlot for feeding, handling, receiving and maintenance of untested swine. Such feedlots may only be established when approved by the State Veterinarian. Sales from such restricted swine feedlots shall be for immediate slaughter only.
 - i. Restricted swine feedlots are permitted to procure swine from suppliers where pseudorabies is not known to be present. This excludes pseudorabies vaccinated swine and swine herds with a history of infection within the past year.
 - b. Feeder swine consigned to areas other than restricted swine feedlots are required to meet the same requirements for pseudorabies as breeding swine.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-612 renumbered from Section R3-9-612 (Supp. 91-4). Amended effective March 5, 1997 (Supp. 97-1). Amended effective February 4, 1998 (Supp. 98-1).

R3-2-613. Requirements for importation of swine

- A.** Swine may enter the state of Arizona provided they are transported under permit and moved in conformity with R3-2-602 through R3-2-611 and are accompanied by an official health certificate of the state of origin issued by an accredited veterinarian attesting that:
1. The swine have been inspected within ten days of date of shipment.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Amended effective June 29, 1984 (Supp. 84-3). Section R3-2-613 renumbered from Section R3-9-613 (Supp. 91-

4).

R3-2-614. Requirements for importation of goats and sheep

- A. Goats of various breeds or crossbreeds are required to enter under permit and with a health certificate in conformity with R3-2-602 through R3-2-611, certifying that they have not been infected with or exposed to bluetongue.
- B. Sheep are required to enter under permit, with a health certificate in conformity with R3-2-602 through R3-2-611.
 - 1. Breeding rams shall be certified as individually examined and free of gross lesions of ram epididymitis.
 - 2. Rams with palpable evidence of epididymitis shall not be shipped to Arizona.
 - 3. Sheep with known infection or exposure to bluetongue shall not be shipped to Arizona.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-614 renumbered from Section R3-9-614 (Supp. 91-4).

R3-2-615. Equine Importation

- A. Except for R3-2-607, equines may enter the state as prescribed in R3-2-602 through R3-2-611.
- B. Equines shall be individually identified on the health certificate by age, sex, breed, color, name, brand, tattoo, scars, and distinctive markings.
- C. Equines with fistulous withers or poll evil shall not be imported.
- D. All equine 6 months of age or older shall, using a test established in R3-3-407(A), be tested negative for EIA within 12 months before entry. Testing expenses shall be paid by the owner. The health certificate shall contain:
 - 1. The date and results of the test;
 - 2. The name of the testing laboratory; and
 - 3. The laboratory generated accession number.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-615 renumbered from Section R3-9-615 (Supp. 91-4). Amended effective February 4, 1998 (Supp. 98-1).

R3-2-616. Requirements for dogs and cats

- A. Dogs entering the state of Arizona are required to be apparently healthy. Those animals originating from an area or state where a rabies quarantine is in effect are required to move only under special permit from the Office of the Arizona State Veterinarian.
- B. Dogs four months of age or older shall be accompanied by an official Rabies Vaccination Certificate stating the dog has been vaccinated against rabies, identified by proper identification tag and the vaccination is current for the type vaccine used.
- C. Cats have no requirements if apparently healthy.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-616 renumbered from Section R3-9-616 (Supp. 91-4).

R3-2-617. Poultry

The Livestock Board has no entry requirements on poultry provided they are apparently healthy and do not originate from a poultry quarantine area and comply with all interstate requirements of A.P.H.I.S. of the U.S.D.A.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-617 renumbered from Section R3-9-617 (Supp. 91-4).

R3-2-618. Psittacine birds

Psittacine birds entering Arizona must comply with import regulations of the United States Public Health Service and not originate from a quarantined area.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-618 renumbered from Section R3-9-618 (Supp. 91-4).

R3-2-619. Game, furbearing and wild animals

Game, furbearing and wild animals are subject to the laws, rules and regulations of the Arizona Game and Fish Department, 2222 West Greenway Road, Phoenix, AZ 85023, phone (602) 942-3000.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-619 renumbered from Section R3-9-619 (Supp. 91-4).

R3-2-620. Zoo animals

- A. Zoo animals may be transported or moved into the state of Arizona when accompanied by an official health certificate, consigned to a zoo, in the charge of a circus or show arrangement, etc., so long as importation produces no undue hazard to livestock or public health.
- B. Animals in "Petting Zoos" shall have been tested negative for tuberculosis within the past 12 months.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-620 renumbered from Section R3-9-620 (Supp. 91-4).

ARTICLE 7. LIVESTOCK INSPECTION**R3-2-701. Department Livestock Inspection**

- A. A livestock officer or inspector shall inspect cattle at a ranch or feedlot, if the owner or agent is:
 - 1. Requesting the inspection;
 - 2. Moving cattle out-of-state and retaining ownership;
 - 3. Transferring the cattle ownership, whether in-state or out-of-state, except as provided in R3-2-706(C);
 - 4. Moving fresh-branded or unbranded cattle not found with their mothers;
 - 5. Slaughtering cattle at the owner's ranch or shipping them for slaughter to a custom-exempt facility; or
 - 6. Moving breeding stock out of the feedlot.
- B. A livestock officer or inspector shall inspect cattle at a feedlot if:
 - 1. The livestock are breeding stock;
 - 2. The owner or agent is transferring the cattle ownership, whether in-state or out-of-state;
 - 3. The cattle are being shipped for slaughter to a custom exempt facility.

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-701 renumbered from Section R3-9-701 (Supp. 91-4). Section R3-2-701 repealed; new Section R3-2-701 adopted effective February 4, 1998 (Supp. 98-1).

R3-2-702. Livestock Self-inspection

- A. Any owner or operator of a ranching operation producing at least 5 cattle or 10 sheep, an inventoried dairy operation using at least 5 dairy cattle, or an inventoried feedlot operation moving at least 5 cattle per year to a state or federally inspected slaughter establishment or to a recognized Arizona livestock auction, may apply for a self-inspection certificate book or card, or both, to move livestock.
- B. General self-inspection requirements.

1. Except for pasture to pasture movement, when livestock are moved the owner or operator shall complete a self-inspection certificate and distribute it as follows:
 - a. The original shall be sent to the Department within 10 days after the end of the month in which the livestock are moved,
 - b. One copy shall accompany the livestock whenever they are in transit,
 - c. One copy shall be retained by the person transporting the livestock, and
 - d. One copy shall be retained by the owner.
 2. If the livestock are diverted to a destination other than that stated on the self-inspection certificate, the certificate is void and the owner or operator shall complete and send a new certificate to the Department. The owner or operator shall use a self-inspection certificate only with a shipment of livestock bearing the brands for which the certificate is issued and only for the self-inspection issued date.
 3. Any altered, erased, or defaced self-inspection certificate is void. All voided certificates shall be returned to the Department within 10 days after the end of the month in which they are voided. Upon request, unused certificates shall be returned to the Department. If a recorded brand or dairy operation is sold, leased, or transferred, the owner or operator shall return all self-inspection certificates for that brand to the Department within 10 days of the transaction.
 4. If livestock are moved in violation of this Article, a Department officer may issue a written warning or citation to the shipper, or the owner or agent, and direct that the livestock be returned to their owner within 24 hours, or if ownership is questioned, the improperly moved livestock may be seized under A.R.S. § 3-1371 by a Department officer.
 5. Any person moving livestock under this Article shall comply with A.R.S. Title 3, Chapter 11 and all applicable rules. Any violation of these laws or rules, or any commission of a crime involving livestock, is violation of this Section.
 6. If, after a hearing, the Department determines that there has been a violation of this Article, the Department may impose upon the violator the sanctions established in A.R.S. § 3-1203(D). The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Articles 6 and 10 and all applicable rules.
- B. An owner or operator shall provide the following information on a self-inspection certificate whenever cattle are moved:
 1. The name, address, telephone number, and signature of the owner;
 2. The date of the shipment;
 3. The location from which the cattle are being moved;
 4. The location to which the cattle are being moved, including the name of the auction, feedlot, or slaughter establishment;
 5. The number each of calves, cows, heifers, steers, and bulls being moved; and
 6. The brand number, expiration date, brand location, and ear marks.
 - C. Self-inspection procedures.
 1. Except for cattle being moved to a feedlot, any person moving cattle shall move only cattle branded with the owner's recorded brand and the unweaned calves of cattle branded with the owner's recorded brand. Cattle without brands and cattle with unpeeled brands that are not with their mothers shall be moved only with Department inspection. Quarantined cattle, cattle held by order of the Department, or cattle restricted by the State Veterinarian shall not be moved.
 2. Cattle being moved shall not change ownership, shall be moved by a direct route to their destination, and shall be moved only as follows:
 - a. To an Arizona livestock auction bonded under the Federal Packers and Stockyards Act;
 - b. To a feedlot licensed and inventoried by the Department; or
 - c. To a state or federally licensed slaughter establishment.

Historical Note

Adopted effective November 27, 1987 (Supp. 87-4). Section R3-2-703 renumbered from Section R3-9-703 (Supp. 91-4). Section R3-2-703 repealed; new Section R3-2-703 adopted effective February 4, 1998 (Supp. 98-1).

R3-2-704. Self-inspection for Pasture to Pasture

- A. An owner or operator applying for a cab card for pasture to pasture movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
 2. The registered brand;
 3. The name of the registered brand owner;
 4. The date of the application; and
 5. The signature and badge number of the livestock officer or inspector assigned in the inspection area.
- B. Self-inspection procedures.
 1. Pasture to pasture movement within the ranching operation's inspection district. Any owner or operator moving cattle from noncontiguous pastures or allotments on the same ranching operation within the inspection district shall be issued a cab card authorizing the movement of cattle at the owner's or operator's discretion.
 2. Pasture to pasture movement outside the inspection district.
 - a. Any owner or operator moving cattle from noncontiguous pastures or allotments on the same ranching operation but outside the inspection district shall, on or before the date the cattle are being moved, call the Department dispatch office for an authorization number. The authorization number is valid only for the requested day of movement.

R3-2-703. Self-inspection for Cattle Destination

- A. An owner or operator applying for a self-inspection certificate book for cattle movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
 2. The registered brand, brand location, ear marks, and brand number;
 3. The name of the registered brand owner;
 4. The date of the application; and
 5. The signature and badge number of the livestock officer or inspector assigned to the inspection area.

Historical Note
Adopted effective August 19, 1983 (Supp. 83-4). Section R3-2-702 renumbered from Section R3-9-702 (Supp. 91-4). Section R3-2-702 repealed; new Section R3-2-702 adopted effective February 4, 1998 (Supp. 98-1).

- b. The Department dispatch employee shall record the information on the Notice of Cattle Movement form and notify the livestock officer or inspector in both the district of origin and the destination district.

Historical Note

Adopted effective February 4, 1998 (Supp. 98-1).

R3-2-705. Self-inspection for Sheep

- A. An owner or operator applying for a self-inspection certificate book for sheep movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
 - 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
 - 2. The date of the application; and
 - 3. The signature and badge number of the livestock officer or inspector assigned in the inspection area.
- B. An owner or operator shall provide the following information on a self-inspection certificate whenever sheep are being moved:
 - 1. The name, business or home address, telephone number, and signature of the owner;
 - 2. The date of the shipment.
 - 3. The name, address, and telephone number of the person purchasing the sheep, if applicable;
 - 4. The location from which the sheep are being moved;
 - 5. The name of the trucker;
 - 6. The location to which the sheep are being moved, including the name of the pasture, auction, exhibit, or slaughter establishment;
 - 7. The number of sheep being moved; and
 - 8. The brand location and ear marks.

Historical Note

Adopted effective February 4, 1998 (Supp. 98-1).

R3-2-706. Self-inspection for Dairy Cattle or Cattle in Feedlots

- A. An owner or operator applying for a self-inspection certificate book for the movement of dairy cattle or cattle in a feedlot shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
 - 1. The corporate, business, or trade name and permit number of the applicant;
 - 2. The date of the application;
 - 3. The signature, social security number, and title of the owner.
- B. An owner or operator or a dairy shall provide the following information on a self-inspection certificate whenever dairy cattle or cattle in feedlots are moved:
 - 1. The name of the owner;
 - 2. The date of the shipment;
 - 3. The back tag numbers, if applicable;
 - 4. The location from which the dairy cattle or cattle in feedlots are being moved;
 - 5. The name of the auction, feedlot, or slaughter establishment to which the dairy cattle or cattle in feedlots are being moved;
 - 6. The number of dairy cattle or cattle in feedlots being inspected, the cost of the inspection, and the beef council fees; and
 - 7. The signature of the dairy representative authorized by the owner.
- C. An owner or operator of a feedlot shall provide the following information on a self-inspection certificate whenever cattle in feedlots are moved:

- 1. The name of the seller or owner;
 - 2. The date of the shipment;
 - 3. The location, including the county, from which the cattle are being moved;
 - 4. The name of the trucker;
 - 5. The destination of the cattle, including the name of the feedlot or the slaughter establishment;
 - 6. The name of the consignee;
 - 7. The brand and number each of cows, heifers, steers, and bulls being moved;
 - 8. The number of cattle being inspected, the cost of the inspection, and the beef council fees; and
 - 9. The signature of the feedlot representative authorized by the owner.
- D. An owner or operator of a dairy may sell calves 30 days or younger on a self-inspection certificate by providing the following information:
 - 1. The address and telephone number of the purchaser;
 - 2. The date and location of the sale;
 - 3. The number of calves being sold;
 - 4. The cost of the inspection and the beef council fees; and
 - 5. The signature of the dairy representative authorized by the owner.

Historical Note

Adopted effective February 4, 1998 (Supp. 98-1).

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

R3-2-801. Definitions

In addition to the definitions provided in A.R.S. §§ 3-601 and 3-661, the following terms apply to this Article:

- 1. "3-A Sanitary Standards" and "3-A Accepted Practices," as published in Dairy and Food and Environmental Sanitation, amended June 1, 1992, means the criteria for cleanability of dairy processing equipment. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- 2. "C-I-P" means a procedure by which equipment, pipelines, and other facilities are cleaned-in-place as prescribed in the 3-A Accepted Practices.
- 3. "Converted" means the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients.
- 4. "Fluid trade product" means any trade product as defined in A.R.S. § 3-661(5) that resembles or imitates milk, low fat milk, chocolate milk, half and half, or cream.
- 5. "Food establishment" means any establishment, except a private residence that prepares or serves food for human consumption, regardless of whether the food is consumed on the premises.
- 6. "Frozen desserts mix" or "mix" means any frozen dessert before being frozen.
- 7. "Grade A raw milk" means raw milk produced on a dairy farm that conforms to Section 7 of the PMO and the requirements of R3-2-805.
- 8. "Parlor" and "milk room" means the facilities used for the production of Grade A raw milk for pasteurization.
- 9. "Plant" means any place, premise or establishment or any part, including specific areas in retail stores, stands, hotels, restaurants and other establishments where frozen desserts are manufactured, processed, assembled, stored, frozen or converted for distribution or sale, or both. A plant may consist of rooms or space where utensils or equipment is stored, washed or sanitized and where ingredients used in manufacturing frozen desserts are stored. Plant includes:

- a. "Manufacturing plant" means a location where frozen desserts are manufactured, processed, pasteurized and converted.
- b. "Handling plant" means a location that is not equipped or used for the manufacturing, processing, pasteurizing or converting of frozen desserts, but where frozen desserts are sold or offered for sale other than at retail.
- 10. "Plate line" means a horizontal structural member, such as a timber, that provides the bearing and anchorage for the trusses of a roof or the rafters.
- 11. "PMO" means the Grade A Pasteurized Milk Ordinance – 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, 1995 Revision. This term includes the information found in the Administrative Procedures and Appendices of the PMO, and the PMO updates in the IMS-a-39, effective September 26, 1997, and the IMS-a-40, effective October 24, 1997. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- 12. "Retail food store" means any establishment offering packaged or bulk goods for human consumption for retail sale.

Historical Note

Former Regulations 1 - 11. Section R3-2-801 renumbered from R3-5-01 (Supp. 91-4). R3-2-801 renumbered to R3-2-803; new Section R3-2-801 adopted effective December 2, 1998 (Supp. 98-4).

R3-2-802. Milk and Milk Products Standards

Unless specifically mentioned in A.R.S. Title 3, Chapter 4, Article 1, or in this Article, all milk and milk products, except frozen desserts, sold or distributed for human consumption shall meet the PMO standards for production, processing, storing, handling, and transportation.

Historical Note

Former Regulations 1, 2. Section R3-2-802 renumbered from R3-5-02 (Supp. 91-4). Section repealed; new Section adopted effective December 2, 1998 (Supp. 98-4).

R3-2-803. Milk and Milk Products Labeling

- A. All milk and milk products listed in A.R.S. § 3-601(10), and Sections 1 and 2 of the PMO shall be designated by the name of the product and shall conform to its definition.
- B. All milk and milk products shall conform with the labeling requirements in A.R.S. §§ 3-601.01 and 3-627, Section 4 of the PMO, and 21 CFR 101, 131, and 133, amended November 20, 1996. This CFR material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- C. The name of the manufacturer or processor shall be on all cartons or closures where it can be easily seen. A manufacturer or processor who has plants in other states shall use a code number or letter to designate where manufactured or processed. If a manufacturer or processor has more than 1 plant within the state, the Dairy Supervisor shall issue a code number or letter for each plant and shall keep a record of the number or letter issued. Manufacturers and processors shall include the state code, 04, with their plant number.
- D. If a plant manufactures or processes milk or milk products and packages them for other retailers and the container or closure is not labeled the same as the manufacturer's or processor's like product, the statement "Manufactured or Processed at

(name and address of plant or code number or letter)" shall be included on the carton or closure. The carton or closure may also contain the statement, "Distributed by: (name of person or firm)."

- E. New or modified label. Any person planning to use a new or modified label on a container may submit the label to the Dairy Supervisor for review.
 - 1. If a new or modified label is submitted, the person shall provide duplicate copies of the proposed label.
 - 2. If the proposed label does not meet labeling standards specified in R3-2-803(B), the Dairy Supervisor shall note the changes on the copies, and sign and return the proposed label to the person.
 - 3. A written request may be submitted for additional time to use the inventory amounts of slow moving cartons or closures before using a modified label.
- F. Any person who markets, processes, manufactures or sells any other food product as a milk product, shall submit a written request to the Dairy Supervisor.

Historical Note

Former Regulations 1 - 21; Amended effective August 4, 1978 (Supp. 78-4). Section R3-2-803 renumbered from R3-5-03 (Supp. 91-4). R3-2-803 renumbered to R3-2-804; new Section R3-2-803 renumbered from R3-2-801 and amended effective December 2, 1998 (Supp. 98-4).

R3-2-804. Trade Products

- A. Any fluid trade product containing milk solids shall be regulated as a fluid milk product.
- B. Advertising, display, and sale:
 - 1. Any retail food store may submit its methods and techniques for the advertising, display, and sale of trade products and real products to the Dairy Supervisor to determine compliance with this Section.
 - 2. No food establishment shall sell or provide any patron or employee, for use as food, any trade product or food whose main ingredient is a trade product, unless 1 of the following disclosures is posted for each trade product, in a prominent place on the premises, or is plainly visible on each menu where other food items are described:
 - a. "_____ served here
(brand or common name of trade product)
instead of _____."
(common name of dairy product)
 - b. "Nondairy products served here".
 - 3. No food establishment shall advertise or otherwise represent to the public that it serves, or uses in the preparation of a food, a real product when it actually serves or uses a trade product.
- C. Labeling: Except as follows, all labels shall comply with the PMO and 21 CFR 101, 131, and 133.
 - 1. The Dairy Supervisor shall approve a new or modified trade product label before the label is used. The applicant shall file a written request with duplicate copies of the proposed label and any supporting materials necessary to establish the truthfulness, reasonableness, relevancy, and completeness of the label.
 - 2. Unless each ingredient of a trade product is homogenized or pasteurized, the whole product shall not be labeled or advertised as an homogenized or pasteurized product. Individual ingredients that are homogenized or pasteurized may be identified as homogenized or pasteurized in the listing of ingredients.
 - 3. Except for combined ingredients constituting less than 1% of the whole product or unless each ingredient of a trade product qualifies as grade A, the whole product

shall not be labeled or advertised as a grade A product. Ingredients that qualify as grade A may be identified as grade A in the listing of ingredients.

4. Any trade product produced outside the state and labeled as prescribed in R3-2-802, may be sold within the state provided that the product meets the requirements of A.R.S. §§ 3-663 and 3-665.

Historical Note

Former Regulations 1 - 8; Amended effective December 7, 1976 (Supp. 76-5). Correction, subsection (A)(2) through (H) omitted, Supp. 76-5 (Supp. 79-4). Section R3-2-804 renumbered from R3-5-04 (Supp. 91-4). R3-2-804 renumbered to R3-2-805; new Section R3-2-804 renumbered from R3-2-803 and amended effective December 2, 1998 (Supp. 98-4).

R3-2-805. Grade A Raw Milk For Consumption

- A. All cattle from which Grade A raw milk is produced shall be tested and found free of tuberculosis before any milk is sold. All herds shall be tested for tuberculosis at least every 12 months. All cattle from which Grade A raw milk is produced shall be tested and found free of brucellosis before any milk is sold, and shall be tested every 12 months or have negative ring tests for brucellosis, or both, as determined by the State Veterinarian.
- B. Grade A raw milk shall be cooled immediately after completion of milking to 45° F or less and shall be maintained at that temperature until delivery.
- C. Grade A raw milk shall be bottled on the farm where it is produced. Bottling and capping shall be done in a sanitary manner on approved equipment. Hand-capping is prohibited. Caps and cap stock shall be kept in sanitary containers until used.
- D. All vehicles used for the distribution of Grade A raw milk shall prominently display the distributor's name.
- E. Grade A raw milk shall be labeled as prescribed in R3-2-803.

Historical Note

Former Regulations 1, 2. Section R3-2-805 renumbered from R3-5-05 (Supp. 91-4). Section R3-2-805 repealed; new Section R3-2-805 renumbered from R3-2-804 and amended effective December 2, 1998 (Supp. 98-4).

R3-2-806. Parlors and Milk Rooms

- A. Construction Plans.
 1. Any person constructing or extensively altering a parlor or milk room shall submit the plans and specifications to the Dairy Supervisor for written approval before work begins. The Dairy Supervisor shall approve or deny the plans within 10 business days.
 2. Plans shall consist of a scaled plot design with elevations and pertinent dimensions.
 3. Any deviations from the requirements in this Section and from approved plans and specifications may be made only after written approval of the Dairy Supervisor.
- B. Site.
 1. The parlor and milk room shall be located in a place free from contaminated surroundings.
 2. Feed racks, calf pens, bull pens, hog pens, poultry pens, horse stables, horse corrals, and shelter sheds shall not be closer than 100 feet to the milk room or closer than 50 feet to the parlor.
- C. Surroundings.
 1. Dirt or unpaved corrals and unpaved lanes shall not be closer than 25 feet to the parlor or closer than 50 feet to the milk room; corrals shall be constructed to remove runoff from the lowest point of the grade. A minimum 3% slope shall be maintained in unpaved corrals where the available space for each animal is 400 square feet or less but may be reduced proportionately to 1 1/2% slope if 800 square feet or more is provided for each animal.
2. A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the parlor. This paved area shall be curbed at least 6 inches high and 6 inches wide and sloped to a paved drain area. The paved area shall provide access to permanent feed racks or mangers and to water troughs. Water troughs shall be provided with an apron of concrete or equivalent at least 10 feet wide at the drinking area. The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least 10 feet back of the stanchion line. The stanchion line shall have a curb at least 1 foot in height.
- D. Floor level elevations of all structures shall be at least 15 inches above surrounding ground level and shall carry drainage 50 feet from the parlor and at least 100 feet from the milk room. Instead of natural drainage, automatic pumps or other means shall be provided for drainage disposal.
- E. Milk room.
 1. The milk room shall not be more than 15 feet from the parlor and may be located under the same roof (extended) as the parlor. The milk room shall consist of 1 or more rooms for the handling of the milk and the cleaning, sanitization, and storage of the milk-handling equipment. Hot and cold running water outlets shall be available in each room. There shall be a minimum of 5 feet between a farm milk tank at the widest point and the milk room wall where the wash vats are installed. Except for currently installed milk tanks, there shall be at least 3 feet between any farm tank or farm tank appurtenance and the milk room walls.
 2. Passageway. The passageway between the milk room and parlor shall have at least a 3-foot clearance for ingress and egress and have ceiling or roof ventilation. Equipment such as milk receivers, dump tanks, or coolers that are part of an enclosed milk line system may be installed in the passageway if:
 - a. A 3-foot clearance is allowed for the walkway;
 - b. Space is provided between walls and equipment to permit the disassembly of equipment for cleaning or inspection;
 - c. The passageway between the parlor and the milk room may be closed at 1 end. The parlor may be separated from the passageway by a pipe rail fence if the slope of the parlor floor is away from the passageway. If the slope of the parlor floor is toward the passageway, a concrete wall between the passageway and parlor floor of at least 12 inches in height shall be provided.
 - d. Rustless pipe sleeves with tight-fitting flanges and protective closures shall be installed where the milk lines, hoses for tankers, and wash lines go through the walls or stationary doors of the passageway.
 3. Floors.
 - a. The floors of the milk room, and passageway, if provided, shall be constructed of 4-inch thick concrete, or other impervious material troweled smooth. The milk room floor shall slope at least 1/4 inch per 12 inches to a vented trapped drain. The passageway floor shall slope at least 1 inch per 10 feet toward a drain or gutter. All floor and wall junctions shall have at least a 2-inch radius cove. Concrete floors built on soils other than sandy loams shall have a sand or rock cushion at least 6 inches deep.

- b. Drainage from the milk room may be independent from or connected to the parlor drainage. Floor drains shall be vented, have a water trap, and a clean-out plug. All floor drains and pipes under the milk room and parlor floor shall have leak-proof connections and meet all applicable plumbing codes.
 4. Walls and ceilings.
 - a. All walls and ceilings shall be constructed of a light colored, impervious material with a smooth finish. If concrete block or masonry construction is used, all voids below the floor line shall be filled with concrete.
 - b. The main ceiling height shall be at least 9 feet above the floor and not less than the height of the farm tank plus 2 feet. New or extensively altered ceiling shall be at least 3 feet above the tank. The ceiling may follow the rafters to the plate line which shall be at least 7 feet 3 inches above the floor.
 5. Doors and windows.
 - a. Each room of the milk room shall have at least 1 glass or other light-transmitting material. The total window area in each room shall be equivalent to at least 1/10 of the floor area. All opening windows shall have at least 16-inch mesh screen.
 - b. Exterior doors of the milk room shall open outward, be solid, self-closing, and tight fitting. Any door from the passageway shall be a solid door, metal covered on both sides of the bottom half. Wooden door jambs or frames shall terminate 6 inches above the floor, and the concrete floor cove shall extend to the jambs or frames.
 - c. All working areas in the milk room shall contain at least 30 foot-candles of lighting.
 6. Ventilation. At least 2 wall ventilators shall be installed horizontally not more than 10 inches nor less than 4 inches above the floor in each milk room. The wall ventilators shall provide openings equivalent to 2% of the floor areas. Wall-vent openings shall be equipped with metal framed insect screens. The milk room shall contain ceiling vents. In the absence of forced draft ventilation, the ceiling vents shall be shafted to a roof peak vent that is at least 12 inches in diameter to ventilate the room and exclude dust, rain, birds, insects, and trash. Ceiling vents shall provide high ventilation equivalent to an opening of 2% or more of the floor area. Ceiling vents shall not be installed directly above bulk milk storage tanks. Oil or gas water heaters shall be vented outside above the roof edge.
 7. Tanker loading area. A tanker-loading area, at least 10 feet by 12 feet, paved, curbed, and sloped to drain, shall be provided adjacent to the milk room where milk is transferred from a farm tank to a milk tanker. If a tanker is used instead of a farm tank, a tanker shelter shall be provided that complies with the construction, light, drainage, and general maintenance requirements of the milk room.
 8. Farm tank installations. All farm tanks for the cooling and storing of milk shall be installed in the milk room. Bulk milk tanks equipped with agitator shaft opening seals may, if approved by the Dairy Supervisor, be bulk-headed through a wall.
- F. Parlor.**
1. Floors.
 - a. The floors, curbs and quarters shall be constructed of 4-inch thick concrete or other, light-colored, impervious material, finished smooth. The floors, alleys, gutters, mangers, and curbs shall slope lengthwise at least 1 1/2 inches per 10 feet toward a drain or gutter. The cow standing platform in the elevated stall parlor shall slope at least 1 1/2 inches toward the floor gutter.
 - b. Floor and wall junctions shall have at least a 2-inch radius cove and shall be an integral part of the floor.
 - c. The cow standing platform litter alley, feed alley, and gutter shall be given a true, even surface. The cow standing platform, litter alley, holding corral and concrete lane shall be treated to prevent slipping. Concrete floors built on soils other than sandy loams shall have a sand or rock cushion at least 6 inches deep.
 2. Walls. All walls shall be constructed of a light-colored, impervious material that shall extend at least 4 feet above the ground floor. All walls shall be finished smooth on the inside with the top ledge rounded on open walls. If a parlor wall forms a part of the holding corral or an entrance or exit lane, it shall be finished smooth on the outside. If a concrete block or masonry construction is used, all voids below the floor line shall be filled with concrete. In elevated stall parlors, the wall under the cow standing platform adjacent to the milking area shall be finished smooth and designed to prevent drippage.
 3. Plate line. The plate line in the floor level parlor shall be at least 7 feet 3 inches above the floor. In elevated stall parlors, the plate line shall be at least 6 feet 6 inches above the cow standing platform.
 4. Superstructure. The exposed superstructure of the parlor or ceiling shall be constructed of smooth material. The roof sheathing in an exposed superstructure shall be applied directly to the rafters.
 5. Stalls. The cow standing platform and floor level parlors shall be at least 3 feet wide for each cow and shall be at least 4 feet 10 inches and not more than 6 feet from the stanchion line to the gutter, depending on the size of the cattle and the design of the manger. If stanchions are not used, the cow standing platform shall be at least 7 feet in length. The cow stall in a tandem elevated stall shall be 8 feet in length. A tandem stall and a herringbone stall shall have a smooth, flat, non-absorbent splash panel behind each cow.
 6. Light and airspace. The parlor shall have at least 400 cubic feet of air space for each stall. Window space, with or without glass, shall be equivalent to at least 6% of the floor area. Light-transmitting material in the roof may be substituted for window spaces. Artificial light shall be at least 30 footcandles at the floor level and located to minimize shadows in the milking area.
 7. Alleys.
 - a. The litter alley, exclusive of gutter, shall be at least 4 feet 9 inches wide behind a single string of cows. In a 2-string head-out parlor, the litter alley shall be at least 8 feet wide between gutters.
 - b. In a floor level parlor, the feed alley in single and 2-single head-out types, shall be at least 5 feet 9 inches wide between stanchion line and wall. In 2-string head-in parlors, there shall be at least 10 feet between stanchions.
 - c. The milking alley in the 2-string tandem elevated stall parlor shall be at least 8 feet wide but may be reduced to 5 feet at the narrowest point if automatic feeders are installed and used. The width of the milking alley in the 2-string herringbone parlor may be reduced to 5 feet at the narrowest point.

- d. In the single-string elevated parlor, the milking alley shall be at least 8 feet wide.
- 8. Gutters.
 - a. All parlors shall have gutters to catch the defecation of cows while in the stall and for any water used for rinsing.
 - b. Gutters in the floor level parlor may be either trench or step-off. The gutter shall be at least 14 inches wide and 2 inches deep at the cow standing platform. The gutter floor shall slope down away from the cow standing platform 1/2 inch across its width. The gutter shall have a uniform depth for its entire length.
 - c. The gutters in an elevated stall parlor shall be grate-covered in the stall and trenched along the outside wall. The stall gutter shall be located to catch defecation of cows in the stall. The stall gutter shall be at least 500 square inches in area and at least 20 inches wide and 4 inches deep. A herringbone parlor may have the stall gutter width reduced to 14 inches provided a 500 square inch area containing the animal is maintained. The wall gutter shall be at least 8 inches wide and 3 inches deep and the bottom may be rounded. A trench gutter may be eliminated in an exit alley if the alley is curbed and sloped to drain.
 - d. Pipe used for parlor gutter drainage shall be at least 4 inches in diameter and meet applicable plumbing codes.
- 9. Curbs.
 - a. In elevated stall parlors, the cow standing platform shall be curbed on the side next to the milking alley and the curb shall be at least 6 inches in height with the top rounded to retain the elevated stall floor washings. This curb may be lowered to not less than 2 inches at the area where the milking machines are applied. Metal curbs shall be free of voids and sealed to stall and floor or wall.
 - b. Floor level parlors shall contain a curb under the stanchion line at least 6 inches wide, 12 inches high from the stall floor, except if metal mangers are used the top of this curb shall be rounded.
- 10. Stanchions.
 - a. The stanchion shall be metal or other impervious, easily cleanable material. The lower horizontal line of the stanchion shall be at least 2 inches above the curb and at least 14 inches above the floor if no curb is provided.
 - b. In floor level parlors, the manger shall have:
 - i. A width of at least 27 inches with a back wall at least 12 inches above the floor;
 - ii. Rounded corners;
 - iii. The low point of the manger at least 8 inches out from the stanchion line and 3 inches above the floor; and
 - iv. A lengthwise slope of at least 1 1/2 inches per 10 feet toward a drain or gutter.
 - c. Mangers and feed boxes in all types of parlors shall be constructed of impervious materials, finished smooth, and provided with drainage outlets at low points.
- 11. Ventilation.
 - a. Ventilation shall be provided in the parlor, holding corral, and wash area, if roofed.
 - b. Continuous open 18-inch ridge vents that rise at least 6 inches above the roof area are permitted. Any ridge vent continuing over the feed room shall be tightly screened.
 - c. If a stack vent is used, single string parlors shall have a 12-inch diameter opening, and multi-string parlors shall have a 14-inch diameter opening with not more than 10 feet between vent and wall, and vent and vent.
 - d. A flat ceiling shall have at least 2 vents, 2 feet by 2 feet or equivalent, shafted to a roof peak vent with not less than a 12-inch opening. The ceiling vents may be located directly over the cow standing platform or the milking pit. The vents shall be located not more than 10 feet between vent and wall, and vent and vent.
- 13. The lower half of the parlor doors shall be covered on both sides with corrosion-resistant metal.
- G. Roof drainage from parlors, milk rooms, or shelters shall not drain into a corral unless the corral is paved and properly drained.
- H. If animals are fed in the parlor, feed storage facilities shall be provided. Feed storage rooms, when installed, shall be partitioned from the parlor and shall be fly and rodent proof. The feed discharge area of the bulk feed storage shall be concrete or other impervious material that is curbed and drained. Bulk feed may discharge directly into the parlor. A bulk feed tank located opposite the passageway shall be at least 6 feet from the milk room. Overhead feed storage is permissible if it is fly, rodent, and dust tight. Feed shall be conveyed to the manger or feed box in a tightly closed dust-free system. Overhead metal feed tanks may be used.
- I. Facilities to store dairy supplies shall be provided. Only supplies that come in contact with the milk or milk contact surface of the milk-handling equipment may be stored in the milk room and shall be protected from toxic materials, vectors, and dust.

Historical Note

Former Regulations 1 - 11. Section R3-2-806 renumbered from R3-5-06 (Supp. 91-4). Section amended effective December 2, 1998 (Supp. 98-4).

R3-2-807. Frozen Dessert Plant and Processing Standards

A. Plant and Processing Standards.

- 1. The plant area shall be clean, orderly and free from refuse, rubbish, smoke, dust, air pollution and strong or foul odors originating on the premises. A drainage system shall be provided for the rapid drainage of water away from the building. If unsatisfactory conditions occur in the plant area, with respect to smoke, dust, air pollution, or odors, provision shall be made to protect the frozen desserts and ingredients from contamination.
- 2. Sewage and industrial waste shall be disposed in accordance with the provisions of the state or county environmental laws. Refuse, unless in appropriate containers, shall not accumulate on the premises.
- 3. Roads, driveways, yards, and parking areas adjacent to the plant shall be paved or treated to prevent dust and shall be smooth and well drained to prevent accumulation of stagnant liquid.
- 4. Buildings.
 - a. The building exterior and interior shall be kept clean and in good repair.
 - b. In processing and packaging areas, outside doors, windows, skylights, transoms, or other openings shall be protected and operated to preclude the entrance of dust, insects, vermin, rodents, and other animals. Outside doors shall be self-closing when

- ever practical. Window sills on new construction shall slope inward at least 45-degrees. Outside conveyor openings and other outside openings shall be protected by doors, screens, flaps, fans, or tunnels. Pipes shall be sealed where they extend through exterior walls. Outside pipe openings shall be covered when not in use.
- c. Rooms. All rooms, compartments, coolers, freezers, and dry storage space in which any raw material, packaging or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored shall be constructed to ensure clean and orderly operations.
- i. Boiler and tool rooms shall be separate from rooms where milk products are received, where processing and packaging is done, or where equipment, facilities, and containers are washed and stored.
- ii. Toilets and dressing rooms shall be conveniently located and toilets shall not open directly into any room where milk products, ingredients, or frozen desserts are handled, processed, packaged, or stored. Toilet and dressing room doors shall be self-closing. Toilets and dressing rooms shall be well vented to the outer air, and contain hand-washing facilities, hot and cold running water, soap, single-service towels or air dryers. Hand-washing signs shall be posted. Fixtures shall be kept clean and in good repair.
- iii. Rooms for receiving milk and other raw ingredients and materials shall be separated from the processing area to avoid contamination of frozen desserts in the processing operations, except that products in cans or other closed containers may be received and transferred to a cooler or other storage without being received in a separate room.
- iv. If tank truck deliveries of milk, milk products, or frozen desserts mix are made, other than occasional deliveries, a tank truck room large enough to accommodate the entire truck shall be provided with equipment for cleaning. A covered outside unloading pad may be used for truck tankers with filter dome vents, if washing and sanitizing facilities are provided. If a tank truck room is not located on the premises of an existing plant, facilities for washing and sanitizing tank trucks shall be provided at another location where the washing and sanitizing facility is free from dust and extreme weather conditions.
- v. Except for existing processing and packaging rooms, there shall be at least 3 feet clearance between installations and the wall to prevent overcrowding and to facilitate cleaning. Existing facilities not meeting this requirement shall be permitted if cleaning can be accomplished and permission is obtained from the Dairy Supervisor or the Dairy Supervisor's designee. All processing and packaging rooms shall be equipped with hand-washing facilities including hot and cold running water, soap, single-service towels, or air-dryer.
- vi. Refrigeration rooms and units shall be constructed of impervious material and shall be kept clean and sanitary.
- vii. Separate rooms shall be provided so that the manufacturing, processing, and packaging are separate from the cleaning and sterilizing of utensils and containers.
- viii. No person shall reside or sleep in a frozen desserts plant or in any room connected with it. No animal shall be kept or permitted in a frozen desserts plant.
- d. Walls and ceilings shall be constructed of smooth, washable, impervious material. They shall be light-colored, kept clean and sanitary, and refinished when discolored. A darker color material may be used to a height not exceeding 60 inches from the floor.
- e. Floors shall be an impervious, smooth-surfaced material that may be flushed clean with water. Except for hardening rooms, floors shall slope 3/16 to 1/4 inch per foot to 1 or more trapped outlets. No open channel drainage is permitted in new construction or in extensive remodeling of existing plants. Floor drains are not required in freezers used for storing frozen desserts or frozen ingredients. However, the floors shall be sloped to drain to at least 1 exit and shall be kept clean. Floors in new construction or extensive remodeling shall be joined and coved with the walls to form water-tight joints. Smooth wood floors may only be permitted in rooms where there will be no spillage of product or ingredients, such as rooms where wrapped or packaged frozen products are packed in multiple-pack containers. Toilets and dressing rooms shall have impervious floors and smooth walls.
- f. Plumbing shall be installed to prevent back-up of sewage or odors into the plant.
- g. All rooms and compartments, including storage space for materials, ingredients, and packages, and toilets and dressing rooms, shall be ventilated to maintain sanitary conditions, and to minimize or eliminate condensation and odors.
- h. Lighting, whether natural or artificial, shall be well distributed in all rooms and compartments. Light bulbs and fluorescent tubes shall be protected so that broken glass cannot fall into any product or equipment.
- i. Rooms where frozen desserts are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 footcandles of light on all working surfaces;
- ii. Areas where dairy products are examined for condition and quality shall have at least 50 footcandles of light; and
- iii. All other rooms shall have at least 20 footcandles of light 30 inches above the floor.
- i. Containers for collecting and holding waste other than dry waste paper and other dry packaging material shall be constructed of metal or other impervious material, covered with tight-fitting lids or covers, and emptied or disposed of daily or at least once during the shift. Clothing, tools, equipment, and other material not used with the frozen desserts operations shall not accumulate in the work areas or in the storage rooms.

- j. A room or other space separate from any room or space where milk products or frozen desserts are received, handled, processed, packaged, or stored, shall be provided where employees may change and store clothing. This area shall contain hand-washing facilities, with hot and cold running water, soap or other detergents, and single-service towels or air dryers. Self-closing containers shall be provided for used towels and other wastes.
 - k. Approval of plans. The Dairy Supervisor may allow variances to the requirements in this Section, if protection from contamination is provided for all products handled.
5. Water and steam.
- a. Potable hot and cold water shall be available in sufficient quantity for all plant operations and facilities. Non-potable water may be used for boiler feed and condenser water, if the water lines are separated from the water lines carrying the potable water supply and the equipment is constructed to preclude contamination of any product or product contact surface. If water for washing frozen desserts equipment and utensils and for use in rehydration or as an ingredient in any frozen desserts is obtained from other than a regulated municipal supply, a bacteriological examination shall be made of the water supply at least once every 6 months by a bacteriologist to determine potability. If the examination indicates contamination of the water supply, a device shall be installed to eliminate the contamination.
 - b. If steam is used, it shall be provided in sufficient volume and pressure for the operation of equipment or for sterilization, or both. Steam that comes in contact with frozen desserts, ingredients, or with the product contact surface, shall be steam of culinary quality as prescribed in Appendix H, Part III, Culinary Steam – Milk and Milk Products, of the PMO.
6. Equipment and utensils.
- a. New equipment shall meet applicable 3-A Sanitary Standards. All equipment, including connections, coming in contact with frozen desserts or ingredients during processing, manufacturing, handling, or packaging, shall be made of stainless steel. No equipment shall be permitted that is rusted, corroded, or in any other condition that may result in contamination of the frozen desserts. Non-metallic parts with product contact surfaces shall consist of material that meets 3-A Sanitary Standards for Plastic or Rubber and Rubber-like Materials or shall be of plastic approved by the United States Food and Drug Administration. Equipment, apparatus, and piping shall be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. Stationary equipment, including welded sanitary lines and apparatus that permit in-place-cleaning, may be used if prior approval from the Dairy Supervisor has been obtained. C-I-P piping and welded sanitary pipeline systems shall be permitted if engineered and installed according to 3-A Accepted Practices for Permanently Installed Sanitary Product and Solution Pipelines and Cleaning Systems. If rigid pipelines are not practical, plastic pipelines listed in the 3-A Accepted Practices may be used. Product pumps shall be sanitary and easily dismantled for cleaning or shall be constructed to allow C-I-P procedures. All parts of interior surfaces of equipment, pipes (except C-I-P piping), or fittings, including valves and connections shall be accessible for inspection. The Dairy Supervisor may require other equipment, apparatus or piping if stationary equipment, apparatus or piping cannot or is not being effectively cleaned-in-place.
 - b. Equipment for storage and distribution of liquid sweetening agents shall be constructed of metals, alloys, or other material that will withstand corrosive action by the ingredient. The equipment and the ingredients shall be protected from contamination.
 - c. Pasteurizing equipment shall meet the standards prescribed in 3-A Accepted Practices for Sanitary Construction, Installation, Testing and Operation of High-Temperature-Short-Time Pasteurizers and 3-A Sanitary Standards for Non-Coiled Type Batch Pasteurizers. Batch-type pasteurizers shall be provided with close-coupled outlet valves protected against leakage and shall be equipped with thermometers that record the information of each day's operation on separate charts. Air space thermometers and indicating thermometers shall be provided to check the recording thermometers. The recording thermometer chart shall contain the date, the identity of the pasteurizing number, the batch and product name, and the signature of the employee responsible for this information. The record shall be kept on file at the plant for at least 6 months. The accuracy of the thermometer shall be checked weekly and the date and name of the person responsible for the weekly accuracy check shall be recorded.
 - d. Every plant shall contain hardening rooms, refrigerating rooms, or refrigerated cabinets with space for storage of frozen desserts and perishable ingredients.
 - e. All utensils used in the receiving, storing, processing, manufacturing, packaging, and handling of frozen desserts or any ingredients shall be of smooth, stainless steel, or plastic listed in the 3-A Accepted Practices and shall have flush seams. Utensils that are badly worn, rusted, or corroded or that cannot be rendered clean and sanitary by washing shall not be used. Lead solder shall not come in contact with milk or milk products or frozen desserts.
7. Cleaning, and sanitizing.
- a. Cleaning and sanitizing. Equipment, sanitary piping and utensils used in receiving, storing, processing, manufacturing, packaging, and handling frozen desserts and ingredients, and all product contact surfaces of homogenizers, high pressure pumps, packing glands on agitators, pumps and vats, and lines shall be kept clean. Before use, all equipment coming in contact with milk products or frozen desserts shall have a bactericidal or sanitizing treatment. Equipment not designed for C-I-P cleaning shall be disassembled, thoroughly cleaned and sanitized. Biodegradable dairy cleaners, wetting agents, detergents, sanitizing agents, or other similar material that does not adversely affect or contaminate the frozen desserts or ingredients may be used. Steel wool or metal sponges shall not be used to clean any equipment or utensils with product contact surfaces. C-I-P cleaning shall be used only on equipment and pipeline systems designed, engineered, and installed for that type of cleaning. Other equipment and areas in the plant shall be thoroughly cleaned with a com-

- mercial vacuum cleaner or other means and the material obtained shall be burned or disposed of so that any insects are destroyed and milk products and frozen desserts will not be contaminated. Exhaust stacks, elevators and elevator pits, conveyors and similar facilities shall be inspected and cleaned regularly.
- b. Equipment shall be sanitized by using 1 of the following methods:
 - i. Using 180° F water for at least 2 minutes.
 - ii. Using steam under pressure for at least 2 minutes or until all parts of the equipment being sanitized have reached 180° F, or the condensate off the equipment remains at 180° F for at least 2 minutes.
 - iii. Using chlorine with a residual of at least 50 ppm after 1 minute contact with equipment, or if sprayed, with a residual of at least 100 ppm after 5 minutes.
 - iv. Using any other sanitizing substance prescribed in Appendix F of the PMO.
8. Pasteurization and cooling.
- a. All frozen desserts mix, except for flavoring agents used in frozen desserts, shall be pasteurized.
 - b. Frozen desserts mix shall be pasteurized by heating every particle to:
 - i. 155° F for 30 minutes,
 - ii. 160° F for 15 minutes,
 - iii. 165° F for 10 minutes,
 - iv. 175° F for 25 seconds,
 - v. 180° F for 15 seconds,
 - vi. 200° F for 3 seconds, or
 - vii. 210° F with no holding time.
 - c. High-temperature-short-time pasteurizers shall have the thermal limit controller set and sealed so that forward flow of the product cannot start unless the temperature at the controller sensor is above the required temperature and forward flow of the product cannot continue during descending temperatures if the temperature is below the required temperature. The seal shall be applied by the Dairy Supervisor or the Supervisor's designee after testing and shall not be removed without immediately notifying the Dairy Supervisor or the Supervisor's designee. The system shall be designed so that no product can bypass the controller sensor. The controller sensor shall not be removed from its proper position during the pasteurization process.
 - d. After pasteurization all mix shall be cooled immediately to 45° F or less and shall be maintained at that temperature until frozen. Milk, cream, and other fluid milk products other than sterilized, evaporated or sweetened condensed milk in hermetically sealed containers shall be stored at 45° F or less.
 - i. Refrigerated vehicles or approved insulated containers shall be used when transporting frozen desserts mix from the manufacturing or other plant to a retail manufacturer, and
 - ii. Mix shall be moved from coolers or refrigeration units in a manufacturing plant to freezers by using pipes, tubing, or other means listed in the Permanently Installed Product and Solution Pipelines and Cleaning Systems Used in Milk and Milk Product Processing Plants section of the 3-A Accepted Practices.
9. Storage.
- a. Utensils and equipment. Utensils and portable equipment used in processing, handling, or packaging of frozen desserts shall be stored above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious, corrosion-resistant material.
 - b. Supplies and containers. Whenever possible, supplies shall be kept in a room separate from the processing, handling, and packaging of frozen desserts and under conditions that result in keeping the materials clean and free from dust, moisture, insects, rodents, or other possible contamination. Supplies shall be arranged to permit cleaning of the area and easy inspection and access. Insecticides and rodenticides shall be plainly labeled, segregated, and stored in a separate room or cabinet away from the edible material or packaging supplies. Caps, parchment papers, wrappers, liners, gaskets, and single-service sticks, spoons, covers, and containers for frozen desserts or ingredients shall be stored only in sanitary tubes, wrappings, or cartons and kept in a clean, dry place until used and shall be handled in a sanitary manner.
 - c. Raw milk products. Raw products for use in frozen desserts that are conducive to bacterial growth shall be handled and stored to minimize bacterial growth. When stored, raw products shall be maintained at 45° F or lower until processing commences.
 - d. Non-refrigerated products. Products such as non-fat dry milk and other frozen desserts ingredients that do not require refrigeration for proper storing shall be placed in dry storage to be easily accessible for inspection and removal, and for adequate cleaning of the room. Dunnage, pallets or other similar method of elevation shall be used. Frozen desserts or ingredients shall not be stored with any product that would damage them or impair their quality. Opened containers of ingredients shall be protected from contamination.
 - e. Refrigerated products. All products that require refrigeration shall, except as otherwise specified, be stored under conditions of temperature and humidity that best maintain quality and condition. Products shall not be stored directly on wet floors or be exposed to foreign odors or conditions such as dripping or condensation that may cause package or product damage.
10. Notification of change in products to be manufactured. Any person manufacturing only frozen desserts with butterfat, or only frozen desserts with fats other than butterfat, and uses the other type of fat shall 1st notify the Dairy Supervisor.
11. Clearing lines and equipment. If the same equipment is used for processing, pasteurizing, and packaging frozen desserts made with dairy products and frozen desserts made with vegetable fats, oils, or proteins, any remaining product shall be completely removed from the lines and equipment and sanitized before introducing another product into the lines and equipment. All equipment and lines shall be sanitized either at the end or beginning of each day's operations.
12. Packaging and containers.
- a. Frozen desserts shall be packaged in commercial containers using packaging material that protects the product from contamination. The packaging, cutting, molding, dispensing, and other handling or

preparation of frozen desserts and their ingredients shall be in a sanitary manner. Frozen dessert containers shall be filled at the place of pasteurization using approved mechanical equipment. Existing manual processes may be permitted if done in a manner that prevents all contact surface contamination and is approved by the Dairy Supervisor.

- b. Multi-use containers for frozen desserts shall be kept clean and dry. If used for transporting frozen desserts, the containers shall be:
 - i. Rinsed immediately after emptying,
 - ii. Cleaned upon return to the plant, and
 - iii. Protected from contamination during storage.
- c. Metal cans and containers shall be free from rust and corrosion.
- d. Paper and plastic containers, liners, covers, or other materials coming in contact with frozen desserts shall be free from contamination.
- e. Single-service containers shall not be reused.

B. Personnel.

1. Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. Employees shall keep their hands clean and follow good hygienic practices while on duty. Expecting or using tobacco in rooms or compartments where frozen desserts or ingredients are exposed is prohibited. Clean, white, or light-colored, washable outer garments shall be worn by all employees engaged in handling dairy products, mix or frozen desserts. Hair coverings for head and facial hair shall be worn by all employees engaged in the processing, pasteurizing, packaging, handling, and storage of frozen desserts, product containers, and utensils.
2. Frozen desserts shall be handled so that there is no direct contact between an employee's hands and the product.
3. A person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portions of the body shall not work in any plant processing or packaging room or in any capacity resulting in contact with milk products or frozen desserts or equipment used in the processing or handling of milk products or frozen desserts. An employee returning to work following illness from a communicable disease shall provide a certificate from a physician attesting to the employee's complete recovery before processing or handling milk products or frozen desserts.

C. Quality standards.

1. Milk products used in the manufacture of frozen desserts shall meet the following standards:

Product Standard Plate Count Not to Exceed

Raw Milk	500,000 per ml.
Pasteurized Milk	50,000 per ml.
Raw Cream	500,000 per ml.
Pasteurized Cream	100,000 per ml.

2. Butter, 80% cream, plastic cream, mixtures of butterfat, sugar or sweetening agent, moisture and flavoring, condensed milk, mixes and all other similar products shall meet the following standards:

Bacterial Standards	Not to Exceed
Standard Plate Count	50,000 per gram
Coliform Count	20 per gram
Yeast	50 per gram
Mold	50 per gram

3. Powdered non-fat dry milk, dry whey, and dry buttermilk shall meet the PMO standards.

4. Fats and oils other than from milk shall meet the standards of the United States Food, Drug and Cosmetic Act as amended, or those of any applicable state regulation for fats and oils of food grade standards.
5. Frozen desserts in broken or opened containers or in containers from which the product has been partially used may be returned to the plant for examination but shall not be used or sold for making frozen desserts.
6. All reconstituted frozen desserts shall be pasteurized before packaging.

D. Labeling.

1. All packages of frozen desserts, including cans or other containers of frozen desserts mix but not including frozen desserts packaged in accordance with a customer's request and in the presence of the customer, shall be labeled as prescribed in the federal Food, Drug and Cosmetic Act, as amended.
2. Each frozen dessert package shall contain:
 - a. The code number assigned by the Dairy Supervisor, identifying the specific manufacturing plant; or
 - b. The name and address of the frozen dessert manufacturer.

- E. License suspension. The Dairy Supervisor may suspend the license of a frozen dessert plant whenever the bacteria count, coliform determination, yeast or mold count exceeds the quality standards for frozen desserts in 3 out of the last 5 samples taken on separate days. In addition, the Dairy Supervisor may suspend the permit of a frozen dessert plant for failure to comply with any of the provisions of this Section.

Historical Note

Adopted effective December 7, 1976 (Supp. 76-5).

Amended effective December 5, 1977 (Supp. 77-6). Section R3-2-807 renumbered from R3-5-07 (Supp. 91-4).

Amended effective December 2, 1998 (Supp. 98-4).

R3-2-808. Frozen Desserts Reconstituted from Powdered Mixes

Except for R3-2-807(B)(8), retail establishments that reconstitute frozen desserts from powdered mixes and dispense the desserts on the premises shall comply with the requirements prescribed in R3-2-807 and the following standards:

1. All equipment, containers, and utensils shall be washed and air-dried after each use and shall be sanitized before each use, in accordance with the sterilization standards established in subsection R3-2-807(B)(7)(b).
2. When not in use, all equipment, utensils, and containers shall be stored above the floor in a clean, dry location free from dust, moisture, insects, rodents, or other possible sources of contamination.
3. Excess quantities of the reconstituted frozen dessert shall not be made from the powdered mix in advance and stored outside the dispensing machine.
4. Frozen desserts shall be reconstituted according to the directions provided by the powdered mix manufacturer.

Historical Note

Adopted effective May 11, 1977 (Supp. 77-3). Section R3-2-808 renumbered from R3-5-08 (Supp. 91-4). Section R3-2-808 renumbered to Section R3-2-809; new Section R3-2-808 adopted effective December 2, 1998 (Supp. 98-4).

R3-2-809. Medicinal, Chemical, and Radioactive Residues in Milk

All dairies shall comply with the following procedures to exclude medicinal, chemical, and radioactive residues from milk intended for human consumption:

1. Identify all cows that have been treated with or have consumed medicinal, chemical, and radioactive agents capable of being secreted in milk;
2. Maintain a written record of the date of treatment, type, and quantity of the medicine or chemical administered to each cow;
3. Milk all treated cows last, or with separate equipment to prevent contamination of the wholesome milk supply;
4. Clean and sanitize all equipment, utensils, and containers used in the handling of milk from the treated cows before the equipment is used in the handling of any milk intended for human consumption; and
5. Discard all milk from the treated cows for the period of time recommended by the attending veterinarian or as indicated on the package or label of the medicine used in the treatment of the cow.

B. Enforcement.

1. When the residue of a chemical, medicinal, or radioactive agent is found in the milk of a dairy and the Dairy Supervisor determines that the residue may be deleterious to human health, the Director shall immediately suspend the dairy from further selling, offering for sale, or distributing milk for human consumption until:
 - a. The Dairy Supervisor determines that the practice causing the contamination of the milk has been corrected and the dairy is in compliance with the procedures established in subsection (A);
 - b. Any milk that has not been excluded from human consumption as required by subsection (A) is appropriately discarded; and
 - c. The 1st milk shipment following suspension indicates negative test results for medicinal, chemical, or radioactive residues.
2. If the Dairy Supervisor determines that a dairy is not in compliance with the procedures established in subsection (A), the Dairy Supervisor may suspend the dairy until the prescribed procedures are observed.

Historical Note

Section R3-2-809 renumbered from R3-2-808 and amended effective December 2, 1998 (Supp. 98-4).

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL**R3-2-901. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-701, 3-702, 3-703 and 3-704, the following shall apply to this Article:

1. "Lot" means any quantity of two or more eggs.
2. "Spot-check" sample means any sample less than a representative sample described in the chart in R3-2-903(B).

Historical Note

Former Rule 1; Amended as an emergency effective November 18, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-6). Former Section R3-6-01 amended as an emergency now adopted and amended as a permanent rule effective February 19, 1982. Section renumbered as R3-2-901 (Supp. 82-1). Section R3-6-101 renumbered to R3-2-901 (Supp. 91-4). Section repealed, new Section adopted effective July 13, 1995 (Supp. 95-3).

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

All grading of shell eggs and standards, grades, and weight classes for shell eggs shall be conducted as prescribed in 7 CFR 56.200 et seq., revised May 1, 1991. The material incorporated by reference is on file with the Office of the Secretary of State and does not include any later amendments or additions of the incorporated matter.

Historical Note

Former Rule 2; Amended as an emergency effective November 18, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-6). Former Section R3-6-02 amended as an emergency now adopted and amended as a permanent rule effective February 19, 1982. Section renumbered as R3-2-902 (Supp. 82-1). Section R3-6-102 renumbered to R3-2-902 (Supp. 91-4). Section repealed, new Section adopted effective July 13, 1995 (Supp. 95-3).

R3-2-903. Sampling: Schedule and Methods for Evidence

- A. The inspector may conduct spot-check sampling to determine if lots of eggs meet minimum quality and weight standards.
- B. Representative sampling, pursuant to A.R.S. § 3-710(G), shall be based on the following table. Lots which do not meet minimum quality or weight standards shall receive a warning notice hold tag.

MINIMUM NUMBER OF CASES AND CARTONS COMPRISING A REPRESENTATIVE SAMPLE

When lot size is in cartons of	Minimum eggs for inspection	When lot size is in 30 doz. cases	Minimum cases for inspection ¹
1 - 4 Cartons	All	1 Case	1 Case
5 - 30 Cartons inclusive	50	2 - 10 Cases inclusive	2 Cases
31 - 120 Cartons inclusive	100	11 - 25 Cases inclusive	3 Cases
120 - 210 Cartons inclusive	200	26 - 50 Cases inclusive	4 Cases
211 - 315 Cartons inclusive	300	51 - 100 Cases inclusive	5 Cases
		101 - 200 Cases inclusive	8 Cases
		201 - 300 Cases inclusive	11 Cases
		301 - 400 Cases inclusive	13 Cases
		401 - 500 Cases inclusive	14 Cases
		501 - 600 Cases inclusive	16 Cases
		for each additional 50 Cases or fraction thereof in excess of 600 Cases	1 Case

¹The inspector shall take 100 eggs from each case for inspection.

1. The inspector may draw additional samples to determine if the lot meets the minimum requirements.
 2. When loose eggs are out of the case, the sample shall be based on the carton.
 3. Eggs shall be sampled on a 30-dozen-case basis. All eggs packed in other lot quantities shall be converted to 30-dozen-case amounts.
- C.** A lot shall be from one packer or one producer or any one source. The cartons, cases, or containers shall be labeled with one size, one quality grade, the packing date, and one brand name, if the brand is identified.

Historical Note

Former Rule 3; Amended effective March 17, 1976 (Supp. 76-2). Amended as an emergency effective November 18, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-6). Former Section R3-6-03 amended as an emergency now adopted and amended as a permanent rule effective February 19, 1982. Section renumbered as R3-2-903 (Supp. 82-1). Section R3-6-103 renumbered to R3-2-903 (Supp. 91-4). Section repealed, new Section R3-2-903 renumbered from R3-2-906 and amended effective July 13, 1995 (Supp. 95-3).

R3-2-904. Quarterly Report Periods

Quarterly reports are due as prescribed in A.R.S. § 3-716(D). The quarterly report periods for inspection fees are:

1. July 1 to September 30,
2. October 1 to December 31,
3. January 1 to March 31, and
4. April 1 to June 30.

Historical Note

Former Rule 4; Amended effective March 17, 1976 (Supp. 76-2). Amended as an emergency effective November 18, 1981, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 81-6). Former Section R3-6-04 amended as an emergency now adopted and amended as a permanent rule effective February 19, 1982. Section renumbered as R3-2-904 (Supp. 82-1). Section R3-6-104 renumbered to R3-2-904 (Supp. 91-4). Section repealed, new Section R3-2-904 renumbered from R3-2-907 and amended effective July 13, 1995 (Supp. 95-3).

R3-2-905. Inspection Fee Rate

- A.** All dealers, producer-dealers, manufacturers, and producers shall pay an inspection fee at the rate of 2.3 mills (.00233) per dozen on all shell eggs sold as prescribed in A.R.S. § 3-716(A).
- B.** All dealers, producer-dealers, manufacturers, and producers shall pay an inspection fee at the rate of 2.3 mills (.00233) per pound on all egg products sold as prescribed in A.R.S. § 3-716(A).

Historical Note

Former Rule 5; Former Section R3-6-05 renumbered as Section R3-2-905 (Supp. 82-1). Section R3-6-105 renumbered to R3-2-905 (Supp. 91-4). Section repealed, new Section R3-2-905 renumbered from R3-2-908 and amended effective July 13, 1995 (Supp. 95-3).

R3-2-906. Violations and Penalties

- A.** Dealers, producer-dealers, manufacturers, producers and retailers may be subject to civil penalty if any of the following actions occur. At the retail level, violations shall accrue at each individual location and not at the parent firm.
1. Category A.
 - a. Making a false or misleading statement relating to advertising and selling eggs and egg products;

- b. Acting as a dealer, producer-dealer, producer, or manufacturer without a valid license;
- c. Allowing shell eggs to be sold with incorrect or no date codes;
- d. Selling grade AA or grade A eggs after the expiration date on the carton, case, or container. A violation for retailers will not be issued for grade AA or grade A eggs if 10% or 60 dozen of the eggs, whichever are less, are being offered for sale after the expiration date on the carton, case, or container, pursuant to A.R.S. § 3-715(K);
- e. Failing to maintain records and reports required by this Article;
- f. Failing to label cartons, cases, and containers with one size, one quality grade, and one brand name;
- g. Moving eggs or their cases, cartons, or containers to which a warning notice hold tag or notice has been placed or removing a warning notice hold tag or notice from the place where it is affixed without permission from the Director;
- h. Refusing to submit eggs or egg products or a case, carton, container, subcontainer, lot, load, or display of eggs to inspection;
- i. Refusing to stop, at the request of an authorized representative of the Department any vehicle transporting eggs or egg products.

2. Category B.

- a. Extending the expiration date of shell eggs as prescribed by A.R.S. § 3-701(10);
- b. Advertising, representing, or selling out-of-state eggs as local eggs.

3. Category C.

- a. Failing to ensure that shell eggs for human consumption are kept refrigerated at an ambient temperature not higher than 60°F;
- b. Failing to ensure that frozen egg products for human consumption which are labeled for storage at 0°F. or below are kept under refrigeration at a temperature not higher than 0°F.
- c. Failing to ensure that liquid egg products for human consumption are kept refrigerated at a temperature not higher than 40°F.

- B.** Violations of this Article or of A.R.S. Title 3, Chapter 5, Article 1 that are not listed in subsection (A) shall be classified as a Category A civil penalty.

- C.** Pursuant to A.R.S. § 3-739, civil penalties shall be based upon the categories listed in subsection (A). Additional violations in each category shall be subject to the last civil penalty given in that category.

Number of

Violations	Category A	Category B	Category C
1 (Notice)	Warning	Warning	Warning
2	\$50.00	\$50.00	\$100.00
3	\$100.00	\$100.00	\$200.00
4		\$150.00	\$400.00
5		\$200.00	\$500.00
6		\$250.00	
7		\$300.00	

Historical Note

Former Rule 6; Amended effective February 19, 1982. Former Section R3-6-06 renumbered as Section R3-2-906 (Supp. 82-1). Section R3-6-106 renumbered to R3-2-906 (Supp. 91-4). Former Section R3-2-906 renumbered to R3-2-903, new Section adopted effective July 13, 1995 (Supp. 95-3).

R3-2-907. Renumbered**Historical Note**

Former Rule 7; Former Section R3-6-07 renumbered as Section R3-2-907 (Supp. 82-1). Section R3-6-107 renumbered to R3-2-907 (Supp. 91-4). Section R3-2-907 renumbered to R3-2-904 effective July 13, 1995 (Supp. 95-3).

R3-2-908. Renumbered**Historical Note**

Former Rule 8; Amended effective October 1, 1979 (Supp. 79-5). Former Section R3-6-08 renumbered as Section R3-2-908 (Supp. 82-1). Amended effective January 1, 1985 (Supp. 84-6). Amended effective December 30, 1987 (Supp. 87-4). Amended effective March 23, 1990 (Supp. 90-1). Section R3-6-108 renumbered to R3-2-908 (Supp. 91-4). Section R3-2-908 renumbered to R3-2-905 effective July 13, 1995 (Supp. 95-3).

R3-2-909. Repealed**Historical Note**

Former Rule 9; Former Section R3-6-09 renumbered as Section R3-2-909 (Supp. 82-1). Section R3-6-109 renumbered to R3-2-909 (Supp. 91-4). Section repealed effective July 13, 1995 (Supp. 95-3).

ARTICLE 10. AQUACULTURE RULES**R3-2-1001. Definitions**

In addition to the definitions provided in A.R.S. § 3-2901, the following shall apply unless the context otherwise requires:

1. "Certificate of Aquatic Health" is an official document from an issuing state or an equivalent form published by the United States Fish and Wildlife Service or the United States Department of Agriculture attesting that the live aquatic animals described thereon have been inspected and are free of the diseases and causative agents set forth in R3-2-1009.
2. "Department" means the Arizona Department of Agriculture.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1002. Fees for Licenses; Inspection Authorization and Fees

- A. An expired license may be renewed within 90 days following expiration by payment of an additional \$50.00 late fee.
- B. Upon request of the licensee, the Department may certify that a facility is free from restrictive diseases and causative agents prior to issuing a certificate of aquatic health pursuant to R3-2-1009. The Department may deputize certified inspectors, pursuant to A.R.S. § 3-2905(B), to perform the certification inspection on the Department's behalf. All expenses properly incurred in the certification procedure of the inspection, including but not limited to time, travel and laboratory expenses, shall be paid to the Department by the licensee requesting certification prescribed in A.R.S. § 3-2905(B).

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1003. General Licensing Provisions

- A. Applicants for a license to operate an aquaculture facility, a fee fishing facility, or to operate as an aquaculture processor or aquaculture transporter shall provide the following information on a form furnished by the Department:

1. Whether the application is for an individual, corporation, partnership, cooperative, association, or other type of organization.
2. The name and address of the licensee.
3. Corporations shall specify the date and state of incorporation.
4. The principal name of the business, and all other business names which may be used.
5. The name, mailing address, and telephone number of the licensee's authorized agent.
6. The street address or legal description of the location of the facility to be licensed.
7. Gross sales for the year prior to application.
8. The signature of the person designated in paragraph (5), and the date the application is completed for submission to the Department.

- B. The licensee shall advise the Department in writing of any change in the information provided on the application during the license year. This information shall be provided within 30 calendar days of the change.
- C. To ensure compliance with R3-2-1009, the Department may inspect and take samples from any facility or shipment being transported. A licensee aware of the presence of any disease as set forth in R3-2-1009 shall notify the Department within 72 hours. Aquatic animals found to be infected are prohibited from interstate or intrastate movement without prior written Department approval.
- D. The Department may quarantine or seize aquatic animals, alive or dead, plants or products for examination or diagnostic study when there is a potential for spread of disease or causative agents as prescribed in R3-2-1009, or any disease that could constitute a threat to aquatic animals or plants of the State. The Department shall issue a written notice to the licensee specifying:
 1. The reason for the Department action;
 2. The licensee's responsibilities, obligations, and options to the action as prescribed in A.R.S. § 3-2906.
- E. All quarantined aquatic products and quarantined areas shall be conspicuously marked by the licensee in a manner specified by the Department.
- F. Diagnostic, quarantine, and destruction costs shall be at the expense of the licensee.
- G. When all conditions are satisfactorily met, the Department shall grant the license and assign a Department establishment number identifying each facility.
- H. All licenses, except special licenses, expire on December 31 for the year issued.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1004. Aquaculture Facility License

- A. In addition to complying with the application requirements of R3-2-1003, applicants for a license to operate an aquaculture facility as defined in A.R.S. § 3-2901(1) shall provide the following information on a form furnished by the Department:
 1. Water sources, transmission, and conveyances;
 2. Method used to dispose of tailing waters and solid wastes;
 3. Number and size of ponds, raceways, and tanks;
 4. Whether hatchery facilities are included;
 5. A list of all animals and plants to be authorized pursuant to the license by genus, species and common name.
- B. Applications to culture aquatic animals or plants which have not previously occurred in the drainage where the facility is located shall be accompanied by a written proposal. The recommendations of the Arizona Game and Fish Department

shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny an import permit as defined in R3-2-1010. The applicant's proposal shall include:

1. Anticipated benefits from introducing species;
 2. Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;
 3. Anticipated diseases inherent to introduced species;
 4. Suggestions for post-introduction evaluation of status and impacts of introduced species.
- C. All bodies of water serving an aquaculture facility shall be contained within the boundaries of the land owned or leased by the licensee.
- D. An aquaculture facility using public waters having natural or artificial inlets, rivers, creeks, washes or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals and plants, including eggs and fry, from escaping beyond the aquaculture facility boundaries or into public bodies of water.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1005. Fee Fishing Facility License

- A. In addition to complying with the application requirements of R3-2-1003, an applicant for a license to operate fee fishing facility as defined in A.R.S. § 3-2901(8) shall provide the following information on a form furnished by the Department:
1. Water sources, transmission, and conveyances;
 2. Method used to dispose of tailing waters and solid wastes;
 3. Number and size of ponds and tanks;
 4. Whether hatchery facilities are included;
 5. A list of all aquatic animal and plants by genus, species, and common name to be authorized pursuant to the license.
- B. Applications to possess aquatic animals or plants which have not previously occurred in the drainage where the facility is located shall be accompanied by a written proposal. The recommendations of the Arizona Game and Fish Department shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny an import permit. The applicant's proposal shall include:
1. Anticipated benefits from introducing species;
 2. Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;
 3. Anticipated diseases inherent to introduced species;
 4. Suggestions for post-introduction evaluation of status and impact of introduced species.
- C. All bodies of water serving a fee fishing facility shall be contained within the boundaries of the land owned or leased by the licensee. A fee fishing facility using public waters having natural or artificial inlets, rivers, creeks, washes or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals or plants, including eggs and fry, from escaping beyond the facility boundaries or into public bodies of water.
- D. Aquatic animals removed from a fee fishing facility shall be dead and accompanied by written evidence of sale identifying the:
1. Facility, by name, address, and Department establishment number as described in R3-2-1003(H);
 2. Date of harvest;
 3. Number and species of aquatic animals transported from the facility.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1006. Processor License

- A. In addition to complying with the application requirements of R3-2-1003, applicants for a license to operate as an aquaculture processor as defined in A.R.S. § 3-2901(12) shall provide the following information on a form furnished by the Department:
1. Water sources, transmission, conveyances, and annual consumption in gallons or acre feet;
 2. Method used to dispose of tailing waters and solid wastes;
- B. A processing facility shall operate in a clean and sanitary condition during all periods of operation. The following are the minimum requirements for such establishments.
1. Each establishment shall have sanitary floors and walls impervious to water.
 2. All outside windows and doors shall be screened.
 3. There shall be a supply of potable water.
 4. There shall be a sewage disposal system of such a type as not to be a breeding place for insects and not to constitute a hazard or to endanger public health.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1007. Transporter License

- A. In addition to complying with the application requirements of R3-2-1003, applicants for a license to operate as an aquaculture transporter as defined in A.R.S. § 3-2901(15), with exception of aquatic plants, shall provide the following information on a form furnished by the Department:
1. Designation of whether license will be for interstate or intrastate transport, or both;
 2. A list of aquatic transporting equipment to be used, both tanks and vehicles, and vehicle license number;
 3. Prior year volume or anticipated annual tonnage of live aquatic animals transported.
- B. Transporting equipment shall provide for adequate water and oxygen at temperatures and quantities normal for the health of the live aquatic animals in transit and shall be clearly marked, "Live Fish".
- C. In addition to a copy of the certificate of aquatic health as defined in R3-2-1001, all containers of live aquatic animals being transported within the state shall be accompanied by a document identifying:
1. The consignor's name, address, and telephone number;
 2. The consignee's name, address, and telephone number;
 3. The quantity and size of aquatic animals being transported;
 4. The genus, species and common name of aquatic animals being transported;
 5. The date of shipment;
 6. The Department establishment number.
- D. A transporter shall not deliver live aquatic animals to a destination other than a facility licensed by the Department, and with the exception of retail outlets, as prescribed by A.R.S. § 3-2907(J), unless the transporter has a valid aquatic wildlife stocking permit issued by the Arizona Game and Fish Department.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1008. Special Licenses

- A. In addition to complying with the application requirements of R3-2-1003, applicants for a special license for the purpose of

education and research shall provide the following information on a form furnished by the Department:

1. Water sources, transmission and conveyances;
 2. Method used to dispose of tailing waters and solid wastes;
 3. Number and size of ponds and tanks;
 4. Whether hatchery facilities are included.
- B.** The following information shall also be provided to the Department at the time of application:
1. A typed narrative describing the project in detail, the project purpose, the hypothesis, and the project duration;
 2. A list of live aquatic animals or plants to be authorized under the license by genus, species and common name;
 3. The proposed disposition of the research aquatic animals or plants upon completion of the project.
- C.** The Department shall deny the application for a special license when it determines the proposal does not meet the intent of A.R.S. § 3-2908.
- D.** Applications to possess aquatic animals or plants which have not previously occurred or have not been cultured in the drainage where the aquatic animals or plants will be held shall be accompanied by a written proposal. The recommendations of the Arizona Game and Fish Department shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny the license. The applicant's proposal shall include:
1. Anticipated benefits from introducing species;
 2. Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;
 3. Anticipated diseases inherent to introduced species;
 4. Suggestions for post-introduction evaluation of status and impacts of introduced species.
- E.** All bodies of water serving a special license facility shall be contained within the boundaries of the land owned or leased by the licensee. A facility using public waters having natural or artificial inlets, rivers, creeks, washes or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals or plants, including eggs and fry, from escaping beyond the facility boundaries or into public bodies of water.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1009. Disease Certification

- A.** A licensee requesting and receiving a Certificate of Aquatic Health shall have their facility inspected and all live aquatic animals, fertilized eggs and milt shall be found free of, but not limited to, the following diseases and causative agents:
1. Causative agent: Egtved Virus. Disease: VHS, Viral Hemorrhagic Septicemia of Salmonids.
 2. Causative agent: Infectious Hematopoietic Necrosis Virus. Disease: IHN, Infectious Hematopoietic Necrosis of Salmonids.
 3. Causative agent: Infectious Pancreatic Necrosis Virus. Disease: IPN, Infectious Pancreatic Necrosis of Salmonids.
 4. Causative agent: *Ceratomyxa shasta*. Disease: Ceratomyxosis of Salmonids.
 5. Causative agent: *Rhabdovirus carpio*. Disease: Spring Viremia of carp. Certification is required in this case only when the original origin of the shipment is from outside the United States.
 6. Causative agent: *Renibacterium salmoninarum*. Disease: BKD, Bacterial Kidney Disease of Salmonids.

7. Causative agent: *Aeromonas salmonicida*. Disease: Furunculosis.
8. Causative agent: *Myxobolus cerebralis*. Disease: Whirling Disease of Salmonids.

- B.** The Department may require inspection for any disease or causative agent not listed in subsection (A) when there is evidence that the disease or causative agent may constitute a threat to aquatic animals or plants, aquatic wildlife or the aquaculture industry. The Department shall send written notice to all licensees pursuant to this Chapter when implementing this subsection, naming the disease or causative agent of concern. Action to quarantine or seize aquatic animals or plants pursuant to this subsection shall not be subject to delay pending such written notice.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R3-2-1010. Importation of Aquatic Animals

- A.** Live aquatic animals imported into the state shall be accompanied by the following:
1. A Certificate of Aquatic Health as defined in R3-2-1001, based upon a physical inspection of the originating facility within the 12 months preceding the shipment.
 2. Transporter license issued pursuant to R3-2-1007.
 3. Import permit number issued by the Department pursuant to this rule, legibly written or typed on the certificate of aquatic health.
- B.** Imported live aquatic animals must be consigned to or in the care of an Arizona resident or legal entity licensed by the Department or a holder of an aquatic wildlife stocking permit issued by the Arizona Game and Fish Department.
- C.** An import permit number may be obtained from the Department, Office of the State Veterinarian, by providing the following information:
1. Consignor's name, address, and telephone number;
 2. Consignee's name, address, and telephone number;
 3. Consignee's Department establishment number issued by the Department or a copy of an aquatic wildlife stocking permit or the permit number issued by the Arizona Game and Fish Department;
 4. Origin of the shipment;
 5. Genus, species and common name of aquatic animals to be imported;
 6. Quantity and size classification of aquatic animals to be imported.
- D.** The import permit number shall remain valid for 15 calendar days from the date of issuance by the Department.
- E.** The Department may refuse entry to any shipment not in compliance with this rule.

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

ARTICLE 11. RATITES

R3-2-1101. Definitions

The following terms apply to this Article.

1. "Adulterated" means any carcass or part, meat, or meat food product under 1 or more of the following circumstances:
 - a. If it bears or contains any poisonous or deleterious substance that may render it injurious to health. If the substance is not an added substance, the Article shall not be considered adulterated if the quantity of the substance in or on the article does not ordinarily render it injurious to health.
 - b. If, because of administration of any substance to the live animal or otherwise, it bears or contains any

added poisonous or deleterious substance that may, in the judgment of the State Veterinarian, make the article unfit for human food, other than a substance that is:

- i. A pesticide chemical in or on a raw agricultural commodity,
- ii. A food additive, or
- iii. A color additive.
- c. If it is, in whole or in part, a raw agricultural commodity and the commodity bears or contains a pesticide chemical that is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 CFR 408;
- d. If it bears or contains any food additive that is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 CFR 409;
- e. If it bears or contains any color additive that is unsafe within the meaning of the Food, Drug, and Cosmetic Act, 21 CFR 706. An article that is not deemed adulterated under subsections (aa)(2)(ii), (iii), or (iv) of this CFR Section shall be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the article is prohibited for use in official establishments by the regulations in 9 CFR 301, Subchapter A.
- f. If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.
- g. If it has been prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth, or where it may have been rendered injurious to health.
- h. If it is, in whole or in part, the product of an animal that has died other than by slaughter.
- i. If its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.
- j. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the Federal Food, Drug, and Cosmetic Act, 21 CFR 409.
- k. If any valuable constituent has been in whole or in part omitted or abstracted from, or if any substance has been substituted, in whole or in part, or if damage or inferiority has been concealed in any manner, or if any substance has been added, mixed, or packed to increase its bulk or weight, or reduce its quality or strength, or make it appear of greater value than it is.
2. "Biological residue" means any substance, including its metabolites, remaining in a ratite at the time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the ratite to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.
3. "Captive bolt" means a stunning instrument that when activated drives a bolt out of a barrel for a limited distance.
4. "Commercial purposes" means for use in commerce.
5. "Condemned" means that an identified ratite has been inspected and is in a dying condition, or is affected with a condition or disease that requires

condemnation of its carcass, or that the carcass, viscera, other part of the carcass, or other product identified has been inspected and is adulterated.

6. "Contract veterinarian" means a private practice veterinarian who contracts with the Department to inspect the slaughtering of ratites or make a disposition of individual ratites.
7. "Downers" means ratites that cannot rise from a recumbent position or that cannot walk, including those with broken appendages, severed tendons or ligaments, or nerve paralysis.
8. "Eviscerate" means to disembowel or remove entrails.
9. "Green-struck" means bile-contaminated ratite meat.
10. "Inspection" means the act of a Department employee or contract veterinarian being present during the slaughter or processing, or both, of ratites.
11. "Inspector" means an employee of the Department or other cooperating governmental agency whose duties are the enforcement of any law or rule of the Department, or a contract veterinarian hired to enforce the laws and rules of the Department.
12. "Operator" means the person who has registered a slaughterhouse or wholesale processing establishment and who is responsible for that slaughterhouse or wholesale processing establishment.
13. "Person" means an individual, corporation, partnership, trust, association, cooperative association, and any other business unit or organization.
14. "Ratite" means ostriches, emus, rheas, and cassowaries.
15. "Retained" means the carcass, viscera, other part of carcass or other product, or article so identified is held for further examination by an inspector to determine its disposition.
16. "Sampling" means economic, chemical, or microbiological testing.
17. "Suspect" means that an identified ratite is suspected of being affected with a disease or condition that may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposition.
18. "Synovitis" means the inflammation of a synovial membrane, caused by injury, nutritional deficiency, or microorganisms.
19. "True container" means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.
20. "USDA" means the United States Department of Agriculture.

Historical Note

Section R3-2-1101 recodified from R3-2-101 (Supp. 97-1).

R3-2-1102. Slaughterhouse and Wholesale Processing Establishment Registration, Fees

A. Any person slaughtering or processing ratites for commercial purposes shall, pursuant to A.R.S. § 3-1482, provide the following information to the State Veterinarian on a registration form furnished by the Department:

1. The name, address, and telephone number of the applicant;
2. The date of the registration form;
3. The name, physical address, mailing address, and telephone number of the business locations;

4. The names, titles, and home addresses of all persons with an ownership interest in the business;
5. The signature and title of the applicant.
- B.** The operator shall submit the following nonrefundable fee with the completed registration form:
 1. Slaughterhouse, \$100;
 2. Wholesale processing establishment, \$25 for each business location.
- C.** If an operator does not renew the registration within 30 days before the expiration date, the operator may renew within 90 days after the expiration date provided an additional, nonrefundable \$50 accompanies the registration fee.
- D.** Registrations are not transferable and shall be valid for 1 year and expire on December 31, except as otherwise provided in R3-2-104 and 3 A.A.C. 1.
- E.** The operator shall maintain records of all ratite transactions for a minimum of 1 year. Upon request, the operator shall permit the State Veterinarian, or the State Veterinarian's designee, to inspect any slaughterhouse or wholesale processing establishment records pertaining to ratites.

Historical Note

Section R3-2-1102 recodified from R3-2-102 (Supp. 97-1). Amended effective October 8, 1998 (Supp. 98-4).

R3-2-1103. Grant of Inspection, Pre-Grant of Inspection Evaluation, Fee

- A.** An operator wishing a Grant of Inspection shall apply with the Department for a pre-grant of inspection evaluation.
- B.** Within 30 days of the application, the Department shall conduct a pre-grant of inspection evaluation of the operator's establishment for compliance with R3-2-105 or R3-2-109, or both. If the establishment does not meet the minimum requirements, additional evaluations may be required.
- C.** The Department shall, within 7 business days after the pre-grant of inspection evaluation, send the applicant an invoice for the pre-grant of inspection evaluation fee. This fee shall include the time to and from the State Veterinarian's office at \$47.50 per hour, and travel reimbursement as prescribed by A.R.S. § 38-623(C) and (D).
- D.** If the pre-grant of inspection evaluation shows that the establishment complies with R3-2-105 or R3-2-109, or both, and the pre-grant of inspection evaluation fee has been received, the Department shall, within 7 business days, complete the Grant of Inspection by assigning a "P" number indicating the specific slaughterhouse, or the specific wholesale processing establishment.
- E.** Pre-grant of inspection evaluations for continuance of a Grant of Inspection are valid for 1 year, except as otherwise provided in R3-2-104 and 3 A.A.C. 1.

Historical Note

Section R3-2-1103 recodified from R3-2-103 (Supp. 97-1).

R3-2-1104. Denial, Withdrawal, and Suspension of Grant of Inspection

- A.** The Director may deny a slaughterhouse or wholesale processing establishment a Grant of Inspection if:
 1. The operator previously has had a Grant of Inspection denied and has not shown that the operator can and will comply with the provisions of this Article;
 2. The pre-grant of inspection evaluation reveals contamination levels above those prescribed by this Article, or
 3. Noncompliance with R3-2-1105 or R3-2-1109.
- B.** The Director may suspend or withdraw a Grant of Inspection if the operator:

1. Files a Grant of Inspection application form that is false or misleading,
2. Fails to keep or make available records for 1 year,
3. Fails to remit the prescribed fee,
4. Fails to notify the Department of any changes in ownership or management,
5. Fails to maintain the slaughterhouse or wholesale processing establishment equipment and facilities in a clean and sanitary condition, or
6. Marks or labels ratite products or containers in a false or misleading manner.
- C.** The Director may suspend or withdraw a Grant of Inspection if the operator:
 1. Fails to comply with the tagging requirements prescribed by R3-2-1106(C), or
 2. Fails to follow humane handling and stunning requirements prescribed by R3-2-1107(A)(1) and (2).
- D.** If a Grant of Inspection is denied, withdrawn, or suspended, the Department shall send the operator written notice explaining the reason for the denial, withdrawal, or suspension, and the operator's right to seek a fair hearing.
- E.** The Director may order the operator to take appropriate action to correct any violation in subsections (A), (B), and (C).

Historical Note

Section R3-2-1104 recodified from R3-2-104 (Supp. 97-1).

R3-2-1105. Slaughterhouse Requirements, Inspection Fee

- A.** An operator shall keep a slaughterhouse in a clean and sanitary condition to ensure that contamination of carcasses in the evisceration area with dander or other contaminants is precluded. An operator shall maintain the following equipment and practices to ensure the production of a wholesale carcass free from contamination.
 1. General.
 - a. A metal knocking box or concrete box with a metal door to confine the animal before stunning;
 - b. A separately drained, dry landing area at least 5 feet wide in front of the knocking box;
 - c. A curbed-in bleeding area at least 8 feet wide and 7 feet long, located so blood will not splash upon stunned animals lying the dry landing area or upon carcasses being skinned on the siding bed. Curbing shall be at least 6 inches high and 6 inches wide;
 - d. Rails placed so the lowest part of the ratite is at least 12 inches from the floor;
 - e. A header rail placed at least 3 feet from the adjacent wall;
 - f. A 2-level viscera inspection truck for evisceration, unless a moving top viscera inspection table is used;
 - g. A suspect pen for the humane restraint of ratites to allow the inspector to examine suspect ratites;
 - h. A separate pre-evisceration area for stunning and bleeding, air injection, and the picking process.
 2. Pens
 - a. Holding pens surfaced with an impervious material, sloped to drains. A curb shall be installed around the outside of the holding pens to prevent the wash from escaping. Water under pressure shall be available for washing the holding pens.
 - b. Holding and shackling pens located outside of, and separated from, the slaughtering department.
 - c. Feeding pens at least 300 feet from the plant and not located in front of the plant.

3. Disposal of blood. When blood is not permitted to drain into the sewage system, it may be collected in a metal tank and removed from the premises.
4. Equipment and Utensils.
 - a. Equipment constructed of metal and easily cleaned. Cutting boards shall be of synthetic material, but equipment, such as the framework of boning or cutting tables, offal racks and trees, product storage racks, and product trucks shall be of metal construction. Rusty or worn-out equipment shall be replaced.
 - b. Equipment cleaned thoroughly following each day's operations. A clear, colorless, odorless, tasteless, edible mineral oil may be used on metal equipment, such as choppers, grinders, mixers, tables, meat trucks, offal racks, hooks, and trolleys. Scale shall not be permitted to accumulate on metal equipment.
 - c. Receptacles for cleaning and sterilization of tools and equipment with drains to permit draining and cleaning of the receptacles and placed at convenient locations in the slaughtering department. Water wasting from equipment shall not flow across the floor.
 - d. Shovels used for transferring ice or other edible materials from 1 container to another. Shovels shall not touch the floor.
5. Coolers. All coolers shall have concrete floors sloped to a drain. Walls shall be smooth, free of cracks, light-colored, and impervious. The room shall be sealed. A separate chill cooler and holding cooler may be provided or both may be combined in 1 room. The door between the slaughtering department and the chill cooler shall be clad with rust-resistant metal. Rails shall be spaced at least 2 feet from walls, columns, refrigerating equipment, or other fixed equipment to prevent contact with the carcasses. When overhead refrigerating facilities are provided, insulated drip pans connected to the drainage system shall be installed beneath them. If wall coils are installed, a drip gutter of impervious material and connected to the drainage system shall be installed beneath the coils. When edible offal is chilled or stored in a cooler other than a separate offal cooler, that area shall be separately drained.
6. Ventilation and Lighting.
 - a. Natural ventilation may be supplemented by artificial means. Ventilation shall be sufficient to ensure the absence of dust, masking odors, or steam vapors. To ensure adequate lighting at all times and at all places, natural lighting shall be supplemented by well-distributed artificial lighting.
 - b. A minimum of 100-foot candles of shadow-free lighting with a minimum color-rendering index of 85 at all inspection sites.
7. Inedibles.
 - a. All inedibles in containers with tight-fitting lids while in edible product areas or edible product coolers. All inedibles shall be denatured to preclude their use for human consumption.
 - b. Requests for permission to render shop scraps and outside dead animals shall be made to the inspector who shall grant or deny the request.
8. Other edible products departments.
 - a. Floors, walls, and ceilings in the edible products departments of the slaughterhouse constructed of material that can be readily cleaned. Wooden structures and equipment shall be kept at a minimum. Floors requiring drainage shall be constructed of dense concrete or floor brick laid on a concrete base. The interior walls and, where practical, ceiling surfaces shall be smooth and flat. Walls shall be constructed of glazed tile, smooth Portland cement plaster, or other impervious material. Walls shall be free of cracks and crevices and, where brick or tile is used, the mortar joints shall be flush with the surface of the walls. Walls shall be light colored.
- b. Floors of the plant well drained with a slope of not less than ¼ inch to the foot to drainage inlets. The floors shall be smooth, impervious, and in good repair; they shall be free from cracks and depressions that could hold floor liquids. Floors shall not be made of wood. Junctions of floors and walls shall be coved.
- c. Walls, ceilings, beams, and hangers cleaned. Rails may be oiled instead of painted. Rust and scale shall be removed from hangers and meat trolleys. Smooth Portland cement plaster walls shall not be painted.
9. Drainage.
 - a. Floors that require flushing during operations with sloped floor drains to carry off the floor drainage. Each floor drain shall be equipped with a deep-seal trap. Drainage lines shall be vented to the outside in accordance with local plumbing codes. A drain line shall be at least 4 inches in diameter.
 - b. Sewage may be disposed of into a municipal sewer system, if permitted by local ordinance, or it may be disposed of into a stream or other similar body of water, provided that:
 - i. This method is acceptable to health authorities having jurisdiction over sewage disposal, and
 - ii. The flow of the stream or other body of water is sufficient to carry the sewage away from the plant at all seasons of the year. When cesspools are used, they shall be of sufficient size to receive the sewage from the plant at all times, and constructed so they do not create a nuisance by breeding flies or other insects.
 - c. Grease recovery basins shall not mask odors or create a harborage for pests.
10. Water Supply, Wash Basins, Sterilizing Facilities.
 - a. Hot and cold running water, under pressure, available at all parts of the plant and in conformity with the requirements of the Department of Health Services. The hot water used for cleaning inspection equipment and other equipment, floors, and walls that are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts, shall be at least 180°F. Thermometers shall be installed to show the temperature of the water at the point of use. A cleanup hose shall be provided.
 - b. The hot water used for cleaning rooms and equipment other than those mentioned in subsection (A)(10)(a) shall be delivered under pressure and at least 140°F.
 - c. At least 1 foot-pedal operated wash basin placed in or near each dressing room. These wash basins shall be equipped with running hot and cold water, delivered through a combination mixing faucet with an outlet 12 inches above the rim of the bowl. The drainage outlet shall lead directly into the drain of the sewage system. Soap, paper towels, and a receptacle for dirty paper towels and other trash shall be convenient to the wash basin.

- d. 1 or more foot-pedal operated wash basin located in the slaughtering department, and 1 or more in any other place in the establishment as may be essential to ensure cleanliness of all persons handling products. These wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet 12 inches above the rim of the bowl. The drainage outlet shall lead directly into the sewage lines. Soap, paper towels, and a receptacle for dirty paper towels and other trash shall be convenient to the wash basins.
 - e. Water for sterilizing purposes maintained at a temperature of at least 180°F. 1 or more sterilizing receptacles of rust-resisting, impervious material shall be placed at convenient locations in the slaughtering department for the sterilization of contaminated implements or implements used on a diseased carcass or part of a carcass. The sterilizer shall be equipped with a cold water and steam line, or other means to maintain water at a minimum of 180°F. during all slaughtering operations. The sterilizer shall contain a drain so water may be completely drained for daily cleaning of the sterilizer. Equipment such as boilers and water heaters shall not be located in the slaughtering department or in any edible products department. To prevent back siphonage, vacuum breakers shall be provided on all steam and water lines when the open ends are submerged or connected to equipment.
11. Protection Against Flies, Rodents, or Other Vermin.
- a. Kept free of flies, rats, mice, roaches, and other pests or vermin. The slaughterhouse shall be constructed to prevent entrance of rodents to the premises and to eliminate their breeding places in surrounding areas and in the establishment. The plant shall be constructed to eliminate roach and other insect harbors. Windows, doors, and other openings to the slaughterhouse shall have insect screens or other measures to prevent entrance of flies or other insects. The screens shall be kept in good repair. Sprays containing residual-acting chemicals shall not be used in edible products departments.
 - b. Animal-handling facilities such as stock pens and runways cleaned as often as necessary. Manure or other waste materials shall not be permitted to accumulate at or near the slaughterhouse.
12. Toilet and hand-washing facilities with both hot and cold running water. Separate facilities shall be provided when both sexes are employed.
- B. Sterilizing Equipment.**
- 1. Implements contaminated by contact with diseased or adulterated carcasses shall be cleaned and sterilized.
 - 2. Equipment used in dressing a carcass, such as viscera trucks or inspection tables, shall be sterilized as prescribed by subsection (A)(10)(e).
- C. Slaughtering Other Species.**
- 1. The kill floor and equipment shall be completely washed down with hot water and soap, and all contact equipment shall be sterilized before any species other than ratites is slaughtered.
 - 2. Soap and water shall be used to clean all product contact surfaces following ratite slaughter and processing.
 - 3. Plant personnel shall change protective clothing and shall wash their hands between the slaughter of ratites and other species.
- D.** A slaughterhouse shall reimburse the Department for the actual time spent conducting an inspection at the following rates:
- 1. Department inspector, \$30 per hour; or
 - 2. Contract veterinarian, \$63 per hour; or
 - 3. Clerical work per inspector day, \$4; and
 - 4. Travel, if applicable, as prescribed in A.R.S. § 38-623(C) and (D).
- E.** If an inspector is not normally at a slaughterhouse, the plant manager shall contact the Department 48 hours before ratite slaughter and request that an inspector be provided to conduct the inspection and witness the slaughtering procedure. If an inspector is not available, the Department shall provide an inspector at the earliest possible date. The plant manager may request the Department to hire a contract veterinarian to conduct the official inspection and witness the slaughtering procedure.
- F.** A slaughterhouse shall pay the cost of sampling.

Historical Note

Section R3-2-1105 recodified from R3-2-105 (Supp. 97-1).

R3-6-1106. Ante-mortem Inspection Procedures**A. Inspection Procedure**

- 1. An inspector shall observe each ratite from both sides, at rest and in motion, to determine whether abnormal conditions exist. Abnormal conditions include loose stools characterized by excessive fecal stains around the vent, a pasty vent, or both, bloody diarrhea, regurgitation of food, disinclination to rise from sternal recumbency, and weight loss particularly notable over the back and thighs.
- 2. Any ratite exhibiting physiological or pathological disease characteristics or other abnormal conditions shall be identified as a suspect, segregated, and held for further inspection by the inspector.

B. Ratite Washing. If the ratite is washed before slaughter, sufficient time shall be allowed after washing for the ratite to be dry enough to prevent dripping when stunned.

C. Other Marks and Devices.

- 1. Suspect.
 - a. Ratites shall be handled as suspects if they show signs of abnormalities or diseases, such as dirty, ruffled feathers; swollen sinuses; eye discharge; nostril discharge; diarrhea; swellings; lameness; ascites; or cachexia.
 - b. All ratites identified as suspect shall be tagged by plant personnel with a serially numbered metal or plastic leg band or tag bearing the term "Arizona Suspect" except, if segregated and handled as suspect, ratites affected with conditions to the extent that lesions would be readily detected on post-mortem inspection need not be individually tagged on ante-mortem inspection need not be individually tagged on ante-mortem inspection with the "Arizona Suspect" tag.
 - c. Suspect ratites showing signs of abnormalities or diseases shall be segregated into designated suspect pens for examination by an inspector.
 - d. Each ambulatory suspect shall be retained and slaughtered at the end of the day's operation.
 - e. A slaughtered suspect shall be retained as a suspect until final post-mortem inspection by a contract veterinarian or a Department veterinarian if the inspector concludes the ratite is affected with a disease or condition that may cause condemnation of the carcass on post-mortem inspection.

2. Condemned.
 - a. Ratites determined to be condemned on ante-mortem inspection shall be identified as Arizona Condemned in a manner approved by the State Veterinarian, and following slaughter, decharacterized and disposed of in a manner that precludes use as human or animal food.
 - b. Condemned ratites shall either be promptly or humanely killed and disposed of by plant employees or, with permission of the State Veterinarian, held for observation or treated, or both, in separate facilities on the premises. Following recovery, the held ratite may be reexamined by an inspector. If normal, the held ratite may be passed for slaughter as suspect with the permission of the State Veterinarian.
 - c. Dead-on-arrival (DOA) carcasses shall be tagged "Arizona Condemned," decharacterized, and disposed of in a manner that precludes use as human or animal food.
 - d. Carcasses shall be decharacterized with 1 of the following denaturing agents:
 - i. Charcoal (finely powdered) with a minimum 1 lb. per 100 lbs. meat,
 - ii. F-D & C Blue 2,
 - iii. F-D & C Green 3, or
 - iv. Liquid charcoal.
 3. Downers.
 - a. All ratites termed downers shall be identified as Arizona Suspect.
 - b. All downers, including those showing signs of trauma, shall be examined by an inspector. The nature and extent of the examination shall be sufficient to determine whether the ratite should be condemned, passed for slaughter as suspect, or held for further observation.
 - c. Downers shall be handled as expeditiously as possible.
 - d. Carcass disposition for those passed for slaughter shall be based on ante- and post-mortem findings and, when necessary, on laboratory results.
 4. Poisoning. Ratites exhibiting signs of drug or chemical poisoning shall be withheld from slaughter. The State Veterinarian shall be immediately notified as to the history, number of ratites involved, symptoms, and other pertinent information.
 5. Reportable Diseases.
 - a. If a reportable disease is suspected, the inspector shall notify the plant management and immediately inform the State Veterinarian.
 - b. Ratites with or suspected of having a reportable disease may be removed from the plant at the producer's request with the approval of the State Veterinarian. These ratites are subject to federal and state laws on disease control and eradication.
- D. Electronic Identification Device (EID) Certification**
1. The producer shall certify the presence or absence of an EID in each ratite. If an EID is present, the producer shall state the location of the device.
 2. The plant manager shall provide the EID certification to the inspector at the time the ratite is presented for ante-mortem inspection.
 3. Prior to skinning, the plant manager shall scan all ratites to determine the presence and location of the EID.
 4. The EID shall be removed and disposed of to prevent its entry into edible product, edible rendered product, or any rendered product destined for use in animal foods. Car-

casses known to contain EIDs shall not pass post-mortem inspection until the device is removed and presented to the inspector. If an EID cannot be located, the part of the carcass where the device was implanted shall be condemned and placed in a container marked "condemned." This condemned part shall not be used in processing animal foods. Unless the part of the carcass where the EID was implanted is condemned, none of the carcass will pass inspection.

- E. Drug Use Certification.** The producer shall complete and sign a Drug Certification For Ratites form provided by the Department stating whether the ratite has been treated with, or otherwise given vaccines or medications.

Historical Note

Section R3-2-1106 recodified from R3-2-106 (Supp. 97-1).

R3-2-1107. Slaughter Procedures

A. Pre-evisceration

1. Humane Handling.
 - a. All ratites shall be handled in a manner that prevents needless suffering.
 - b. Downer ratites shall not be dragged while conscious.
 - c. Feed and water shall be supplied to all ratites held more than 24 hours.
2. Stunning. Ratites shall be rendered unconscious by an electrical or captive bolt stunner, hobbled or shackled after stunning, and hoisted from the dry landing area by 1 or both legs.
3. Bleeding.
 - a. A cut shall be made through the thoracic inlet to sever the heart or major arteries and veins exiting the heart to ensure complete bleeding.
 - b. For emus, immediate removal of the head is an acceptable alternative to severing the heart or major arteries and veins exiting the heart. The procedure for head removal prescribed in subsection (B)(2) shall be followed if this option is chosen.
4. Feather Removal.
 - a. Feathers may be removed by dry hand picking on the kill floor (after stunning) if it can be done without contaminating the kill floor with dander and feather dust. The floor shall remain reasonably free of feathers.
 - b. Feathers may remain on the wing tips and tail if the wing tips and tail are removed during skinning. All removed feathers shall be stored in containers away from the exposed carcass. If required by the inspector, the skin shall be rinsed to remove loose dander and dust.
 - c. Feathers may be picked before or after air injection.
 - d. Feather follicles remaining on the carcass after skinning shall be removed by trimming.
 - e. De-feathered carcasses shall be transferred to the evisceration area. Plant employees who work in the pre-evisceration area shall wash their hands, arms, and apron to remove dust and dander before beginning the skinning and evisceration operations. If necessary to reduce contamination from dust and dander during evisceration, the inspector may require a washdown of the kill floor before evisceration begins.
5. Air Injection.
 - a. Compressed air injection shall be conducted in a sanitary manner that includes air filtration and injection needle disinfection. Air filtration shall consist

of not less than 2 stages. An initial stage of air filtration shall occur at or near the use point and consist of an aerosol or coalescing filter, capable of filtration to not more than 0.75 microns, for the removal of oil and water. A subsequent stage of air filtration shall occur at or near the point the needle hose attached to the air line and consist of a particulate filter capable of filtration to not more than 0.3 microns. The filters shall be maintained by inspecting regularly to ensure they are working properly, and cleaning or replacing when necessary. The injection needle shall be disinfected by placement in water that is not less than 180°F. for at least 10 seconds immediately before each injection.

- b. When air is injected, the neck and the vent shall be tied after air injection and before skinning to minimize leakage of cloacal material in accordance with subsection (B)(1). If leakage occurs, the carcass shall be washed before skinning.

B. Skinning and Evisceration.

1. Venting/Bunging. The vent shall be excised, in a manner that prevents contamination from cloacal material. After the attachments to the vent are loosened, the vent shall be drawn from the carcass, encased in a plastic bag, and tied.
2. Head Removal.
 - a. If the head is removed immediately after stunning, the head shall be removed by cutting the skin of the neck to expose the esophagus and trachea. The esophagus shall be loosened from the neck, severed from the head, stripped from the neck, and tied.
 - b. If the neck is saved as edible product, the head shall be removed and placed adjacent to the viscera inspection station after the skin of the head is excised to the ventral part of the beak. If the neck is not saved as edible product, the neck with the head attached may be skinned, severed, and placed adjacent to the viscera inspection station. The cervical vertebrae may be sawed through to remove the head or neck, or both.
 - c. When the breast plate is removed to facilitate evisceration, tying the esophagus may not be required. The head and trachea shall be removed from the neck and presented for inspection.
 - d. Identification of the neck, head, and corresponding carcass shall be maintained until final inspection of the ratite and the EID certification prescribed in R3-2-1106(D)(1) and (2) is completed. The head shall be handled so it will not cause contamination of edible parts.
3. Skinning.
 - a. Leg and Foot Removal.
 - i. If the feet, toes, and lower legs are removed before proceeding with the skinning operations, the skin shall be carefully reflected at a point distal to the hock joint, and the leg shall be sawed through, approximately 3 inches below the hock, to remove the lower leg and foot. Care shall be taken not to contaminate the exposed neck with dirt and dander from feet and legs.
 - ii. If the feet and lower legs are removed after skinning, the carcass shall be hung by a toe and reflected radially at the toe joint. The complete leg skin shall be removed as a single piece with the body skin. The lower leg and foot may then

be removed below the hock as described in subsection (B)(3)(a)(i).

- iii. A sterilized chain may be attached proximal to the tibiotarsal-tarsometatarsal (hock) joint for hanging the carcass, or 2 separate hooks may be used for hanging the carcass by the tendons.
- b. Skin Removal.
 - i. Skinning may be started on the cradle and finished on the hoist. The skin shall be opened lengthwise on the ventral midline. The skin shall be reflected away from the carcass to prevent contamination of exposed tissues. Care shall be taken to prevent carcass contamination with dander, feathers, feces, urine (in ostriches), or other extraneous material.
 - ii. Remaining fatty tissue that contains pinfeathers which pulled through the skin during the skinning process may be saved only as inedible product. The fatty tissue containing the pinfeathers shall be removed by trimming. Transferring fat from a fat carcass to a lean carcass is prohibited.
 - iii. If contamination occurs during the handling of carcasses, organs, and other parts, the contaminated carcass, organs, or other parts shall be promptly removed by the plant employee in a manner approved by the inspector.
 - iv. Carcasses shall not contact each other from the bleeding area to the last inspection point.
4. Neck Removal. If the neck touches the floor, the contaminated portion shall be removed and identified to the carcass. The contaminated portion shall be condemned.
5. Evisceration.
 - a. Evisceration, which shall be done on the hoist, begins with a midline abdominal incision caudal to the breast plate. The sternum and, in ostriches, the pubic symphysis, shall be split with a brisket saw or other device approved by the inspector. As an alternate procedure the ribs may be severed on each side and the breast plate pulled down to expose the thoracic viscera. If the breast plate is removed by sawing through the ribs, the saw shall be directed toward the outside of the thorax to prevent damage to the viscera.
 - b. The pelvis (pubic symphysis) of the ostrich shall be spread for visibility after being split to aid in preventing puncturing the urinary bladder at the time the vent is excised, bagged, and tied. The bagged and tied vent shall be pulled through the pelvis and abdominal cavity.
 - c. Part of the abdominal walls may be removed before evisceration to increase visibility of internal organs.
 - d. The liver, spleen, intestinal tract, testes or ovary and oviduct, and lungs shall be reflected in a caudal to cranial direction by cutting and blunt dissection without causing contamination of any part of the carcass or edible product. Care should be taken to avoid penetrating the gut.
 - e. The intestinal tract, oviduct, and ovary shall be placed in a separate tray for inspection. The heart, lungs, trachea, testicles, liver, and spleen shall be placed in a separate tray. The kidneys shall be observed in their pelvic crypts on the carcass by the inspector before their removal from the crypts by the eviscerator. They shall be reinspected in the tray with the intestinal tract.

- f. Evisceration procedures different from those described in subsections (B)(5)(a) and (b) may be acceptable provided they are approved by the inspector and do not alter the inspection procedure.
6. **Trimming and Carcass Washing.** The carcass shall be trimmed of all defects and visible contamination. After the carcass inspection has been completed, the carcass shall be washed.
7. **Contamination.** Carcasses or parts of carcasses contaminated by contact with diseased carcasses shall be condemned unless all contaminated tissues are removed promptly.
8. **Retained Product.** When product is retained for further inspection, identity and wholesomeness shall be preserved. Identity shall be maintained by keeping the product under department lock or seal, or by using retained tags. Product wholesomeness shall be maintained by preventing contamination, dehydration, and decomposition with plastic bags or other refrigeration or freezing means. If necessary, samples of retained product may be sent to the laboratory.

Historical Note

Section R3-2-1107 recodified from R3-2-107 (Supp. 97-1).

R3-2-1108. Post-mortem Inspection Procedures

- A. The inspector shall inspect each carcass, all parts except feathers and toes, and accompanying viscera. Any carcass, part, or viscera exhibiting physiological or pathological disease characteristics that might render the carcass or any part adulterated shall be identified as Arizona Retained and held for further disposition by the State Veterinarian or by a contract veterinarian. The identity of the carcass, including the viscera, and any detached muscle mass, shall be maintained until a final inspection has been completed.
- B. Each carcass and all organs and other parts of carcasses that are not diseased, adulterated, or naturally inedible shall be passed for human food and stamped with the official species inspection brand.
- C. The carcass or parts of a carcass of all ratites inspected at a registered slaughterhouse and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in this Article shall be disposed of in accordance with the instructions in subsection (E) pertaining to the disease or condition. The inspector shall decide the manner of disposal for each carcass, organ, or other part not specifically covered by this Article. If the inspector is in doubt concerning the disposition, the State Veterinarian shall make the final determination. Specimens from the carcass may be sent to a laboratory approved by the State Veterinarian for histopathological, microbiological, or toxicological diagnosis.
- D. **Inspection Procedures.**
 1. **Digestive System.** The inspector shall observe the esophagus, proventriculus, ventriculus (gizzard), small intestine (including the cecum and pancreas), rectum, cloaca, urinary bladder (in ostriches), and vent.
 2. **Head.** The inspector shall inspect the head by incising the skin of the throat up to the ventral part of the beak. The skin and tissues shall be reflected laterally exposing the tissues of the head. Any abnormalities shall cause the carcass to be identified as suspect. The neck shall be inspected with the head if both were removed together.
 3. **Heart.** The inspector shall palpate, open, and observe the heart for abnormal conditions. The cut surfaces of the muscle, inner surfaces, and valves shall be observed.
 4. **Kidney.** The inspector shall observe the kidneys in their crypts (of the synsacrum) on the carcass and observe, and palpate them in the intestinal tray after carcass inspection. After the inspector examines the kidneys on the carcass, a plant employee shall remove the kidneys from the carcass and present them for further inspection on the lower tray of the viscera truck. After inspection of the kidneys is complete, the kidneys shall be condemned as inedible.
 5. **Liver.** The inspector shall observe, and palpate the liver for any swelling, abscess, nodule, or color change. The gall bladder shall be observed on an emu or rhea.
 6. **Lungs and Trachea.** The inspector shall observe the lungs for any abnormal condition, such as thickening, granulomatous condition, abnormal exudate, discoloration, nodule, and abscess. The trachea shall also be observed.
 - a. Ratite lungs shall not be saved for use as human food. They shall be maintained under inspector control until properly disposed of.
 - b. Lungs not condemned may be used in the preparation of animal food at the registered slaughterhouse with the approval of the inspector, or they may be distributed from the slaughterhouse in commerce for animal food manufacturing purposes or to pharmaceutical manufacturers for pharmaceutical use, if they are labeled as "Inedible Ostrich Lungs – for Animal Food or Pharmaceutical Manufacturing Only."
 7. **Spleen.** The inspector shall observe and palpate the spleen.
 8. **Viscera.** The inspector shall palpate the viscera, visceral organs, and internal fat for abnormal swelling, coloration change, nodule, thickening, abscess, or other inflammatory process. Incisions shall be made when necessary for further inspection.
- E. **Diseases or Conditions to be Considered in Post-mortem.**
 1. **Airsacculitis.** The abdominal and thoracic air sacs shall be observed before, during, and after evisceration. Carcasses with evidence of extensive involvement of the air sacs with airsacculitis or those showing airsacculitis along with systemic changes shall be condemned. Less affected carcasses may be passed for human food after complete removal and condemnation of all affected tissues including the exudate.
 2. **Anemia.** Carcasses of ratites too anemic to produce wholesome meat shall be condemned.
 3. **Anthrax.**
 - a. Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned or disposed of in a manner that precludes use as human or animal food.
 - b. After evisceration, any carcass or part, including hides, feathers, viscera and contents, blood, or fat of a ratite affected with anthrax, shall be condemned and immediately disposed of in a manner that precludes use as human or animal food.
 - c. Any part of a carcass that is contaminated with anthrax-infected material through contact with soiled instruments shall be immediately condemned and disposed of in a manner that precludes use as human or animal food.
 - d. Any portion of the slaughtering department contaminated through contact with anthrax-infected material, including the bleeding area, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and employees' boots and aprons,

- shall be cleaned immediately and disinfected with a disinfectant approved by the State Veterinarian.
- e. When a disinfectant solution is applied to equipment that will afterwards contact product, the equipment shall be rinsed with potable water before the contact.
4. Arthritis.
 - a. Carcasses affected with arthritis that is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts.
 - b. Affected joints shall be removed and condemned. To avoid contamination of the meat that is passed for human food, the joint capsule shall not be opened until after the affected joint is removed.
 - c. Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.
 5. Biological Residues.
 - a. Carcasses, organs, or other parts of carcasses shall be condemned if the inspector determines they are adulterated because of the presence of biological residues.
 - b. Ratites suspected of having been treated with or exposed to any substance that may impart a biological residue that would make the edible tissue unfit for human food or otherwise adulterated shall be identified as Arizona Suspect. These ratites may be released from the slaughterhouse with permission from the State Veterinarian. When the metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated, the ratite may be returned for slaughter. To aid in determining the amount of residue present in the tissue, the inspector may permit the slaughter of any affected ratite for the purpose of collecting tissue for analysis of the residue. This analysis may include the use of slaughterhouse screening procedures designed to detect the presence of antimicrobial residues.
 - c. All carcasses, edible organs, and other parts, in which biological residues are found that render the articles adulterated shall be marked as "Arizona Condemned" and disposed of in a manner acceptable to the Department, kept separate from all other condemned carcasses or parts, and not used for animal food.
 6. Bruises. Any carcass or part of a carcass that is badly bruised shall be condemned. Parts of a carcass that show only slight reddening from a bruise may be trimmed and passed for food.
 7. Central Nervous System Disorders. Ratites with central nervous system disorders such as depression, drowsiness, weakness, coma, staggering, circling, or muscular tremors shall be condemned.
 8. Contamination.
 - a. At the time of any inspection, each carcass or part of a carcass that is adulterated due to contamination shall be condemned, except that any carcass or part of a carcass that may be made unadulterated by reprocessing need not be condemned if reprocessed under the supervision of an inspector and found to be not adulterated after reinspection.
 - b. Any carcass accidentally contaminated during slaughter with digestive tract contents shall not be condemned if promptly reprocessed under the supervision of an inspector and found to be not adulterated after inspection. Contaminated surfaces shall be removed only by trimming.
 - c. Carcasses contaminated by volatile oils, paints, poisons, gases, or other substances that render the carcasses adulterated shall be condemned. Any organ or other part of a carcass that has been accidentally mutilated during processing shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.
 9. Decomposition. Carcasses deleteriously affected by post-mortem change shall be disposed of as follows:
 - a. Carcasses that have reached a state of putrefaction or stinking fermentation shall be condemned;
 - b. Carcasses affected by types of post-mortem change that are superficial in nature may be passed for human food after removal and condemnation of the affected parts.
 10. Drug Withdrawal. Ratites that receive a drug or chemical and are presented for slaughter before the required withdrawal period is complete shall be withheld from slaughter until the withdrawal period elapses.
 11. Emaciation. Carcasses too emaciated to produce wholesome meat, and carcasses that show a serous infiltration of muscle tissue, or a serous or mucoid degeneration of fatty tissue, shall be condemned. A gelatinous change of the fat of the heart of well-nourished carcasses and mere leanness shall not be classed as emaciation.
 12. Emergency Slaughter.
 - a. Emergency slaughter may be allowed with the permission of the State Veterinarian.
 - b. If emergency slaughter is granted, the ratite shall be marked "Not For Sale" and no inspection will be required. Meat from these ratites shall be used only by the owner.
 - c. Sick or dying ratites, or ratites treated with a drug or chemical and presented for slaughter before the required withdrawal period, are not covered by emergency slaughter provisions.
 13. Escaped Ratites; Control. Tranquilizers shall not be used on ratites destined to slaughter. If a tranquilizer is used, the inspector shall consult the State Veterinarian for handling and disposition of involved ratites.
 14. Inflammatory Conditions. Any organ or other part of a carcass that is affected by inflammation shall be condemned; when the lesions are of a character or extent as to affect the whole carcass, the whole carcass shall be condemned.
 15. Livers with the following diseases or abnormalities shall be condemned:
 - a. Inflammation, abscess, necrosis, cirrhosis, or tumors;
 - b. Livers with 1 large cyst or several small cysts;
 - c. Discoloration caused by bile duct disorders;
 - d. Enterohepatitis; or
 - e. Contamination from intestinal contents or noxious materials.
 16. Lungs and Trachea Inspection. Lungs affected with disease or pathology and lungs adulterated with chemical or biological residue shall be condemned and identified as Arizona Inspected and Condemned. Condemned lungs may not be saved for animal food.
 17. Muscular Inflammation, Degeneration, or Infiltration.
 - a. If muscular lesions are found to be distributed so removal is impractical, the carcass shall be condemned.

- b. If muscular lesions are found to be distributed so removal is practical, the following requirements shall govern disposal of the carcasses, edible organs, and other parts of carcasses showing the muscular lesions:
 - i. If the lesions are localized so that the affected tissues can be removed, the unaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion.
 - ii. If part of the carcass shows numerous lesions, if complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part unfit for human food, the part shall be condemned.
 - iii. If the lesions are slight or insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product after removal and condemnation of the affected portions.
- 18. Myiasis. Ratites with wounds infested with maggots shall be segregated and maggot specimens submitted to the State Veterinarian to identify possible screwworm infestation.
- 19. Neoplasms.
 - a. An individual organ or other part of a carcass affected with a neoplasm shall be condemned.
 - b. If there is evidence of metastasis or that the general condition of the ratite has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.
 - c. Carcasses of ratites affected with any 1 or more of the several forms of the avian leukosis complex shall be condemned.
- 20. Nutritional Problems.
 - a. The long bones of ratites may exhibit changes due to hormonal imbalance, or nutritional deficiency or excess (osteomyelosclerosis in laying birds). Carcasses showing such bony changes with no other pathology may be passed for food.
 - b. Lesions resulting from visceral gout or chalk-like deposits in joints or pleura, shall be removed by trimming. Carcasses with visceral gout lesions distributed so that removal is impossible or impractical shall be condemned.
- 21. Parasites. Organs or other parts of carcasses infested with parasites or which show lesions of parasite infestation shall be condemned. If the whole carcass is affected, the whole carcass shall be condemned.
- 22. Pigmentary Conditions.
 - a. Carcasses showing generalized pigmentary deposits shall be condemned.
 - b. The affected parts of carcasses showing localized pigmentary deposits to be unwholesome or otherwise adulterated shall be removed and condemned.
 - c. Any part of a carcass that is green-struck shall be condemned. If the carcass is so extensively affected that removal of green-struck parts is impracticable, the whole carcass shall be condemned.
- 23. Research Ratites Presented For Slaughter.
 - a. No ratite used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at a registered slaughterhouse unless:
 - i. The operator of the slaughterhouse, the sponsor of the investigation, or the investigator submits to the State Veterinarian data or a summary evaluation of the data that demonstrates use of the biological product, drug, or chemical will not result in the ratite products being adulterated; and the State Veterinarian approves the slaughter.
 - ii. Written approval by the State Veterinarian shall be furnished to the inspector before the time of slaughter.
 - b. The inspector or the State Veterinarian may deny or withdraw the approval for slaughter of any ratite subject to the provision of this subsection when deemed necessary to ensure that all products prepared at the registered slaughterhouse are free from adulteration.
- 24. Synovitis. Carcasses with localized synovitis may be passed for human food after removal of affected tissues; those with evidence of systemic effects shall be condemned.
- 25. Systemic Condition – Septicemia or Toxemia.
 - a. All carcasses affected so consumption of the products may cause food poisoning shall be condemned. This includes all carcasses showing signs of:
 - i. Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges;
 - ii. Septicemic or toxemic disease, or an abnormal physiological state;
 - iii. Gangrenous or severe hemorrhagic enteritis or gastritis;
 - iv. Septic pericarditis; or
 - v. Egg peritonitis or bacterial enteritis.
 - b. When a systemic condition is evident, carcass and viscera shall be condemned.
- 26. Tuberculosis. Carcasses affected with tuberculosis shall be condemned.
- F. Final Trim and Rinse. (Carcass Inspection)**
 - 1. After evisceration, the external and cut surfaces of the carcass, the thoracic and abdominal-pelvic cavities, and kidneys in their crypts shall be observed for lack of or abnormal body fat, inflammation, or evidence of peritonitis or pleuritis before removing external fat.
 - 2. The carcass shall be trimmed of all visible contamination and thoroughly rinsed with potable water. After rinsing, the inspector shall make a final inspection. Trimmed parts, including external fat containing pin feathers or feather quills, shall be placed in containers marked "inedible." The carcass shall be chilled to 40° F. after the final inspection unless further processing is done within 2 hours and subsequently chilled.
 - 3. Carcasses showing evidence of having died of causes other than slaughter shall be condemned.
 - 4. Carcasses shall be retained for further examination by a contract veterinarian when presented with conditions that may require complete condemnation of the carcass, or when an inspector is not certain of the pathological process and carcass disposition.
- G. Official Marks and Devices to Identify Inspected and Passed Products of Ratites.**
 - 1. The Arizona Inspected and Passed brand for carcasses or parts of carcasses shall include the following words between a double triangle: "Inspected, Passed, and A.D.A." The "P" number shall be contained within the inner triangle. Each carcass shall bear a label identifying the ratite species.
 - 2. Carcasses bearing the approved Arizona Inspected and Passed brand and the appropriate "P" number may enter a

registered wholesale processing establishment, as prescribed in R3-2-109, for further processing.

H. Condemned Carcasses and Parts of Carcasses.

1. Carcasses and parts of carcasses condemned on post-mortem inspection shall be decharacterized with USDA-approved denaturing agents as prescribed in R3-2-1106(C)(2)(d).
2. Except as otherwise provided in subsections (E)(3), (E)(5), and (E)(16), condemned ratite carcasses and ratite meat may be used in the preparation of animal food with the approval of the State Veterinarian.
 - a. True containers of ratite meat or meat products from condemned ratites for use in the preparation of animal food shall be identified with the following information in letters at least 3/4 inch in height, on all sides or in at least 2 places if the container has less than 4 sides:
 - i. The species of ratite;
 - ii. "Ratite meat from dead ratites for animal food only and not for human consumption," and "Denatured with _____";
 - iii. The correct statement of net weight; and
 - iv. The name and address of the registered processor.
 - b. Before the denaturing agents are applied to pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. The denaturing agent shall be mixed thoroughly with all of the material to be denatured and shall be applied in sufficient quantity and a manner that it cannot easily and readily be removed by washing or soaking. Denaturant shall be used to give the ratite meat, ratite meat by-products, raw animal fat, or rendered animal fats and oils, a distinctive color, odor, or taste so the denatured material cannot be confused with an article of human food. The application of any of the denaturing agents listed in this Section to the outer surfaces of molds or blocks of boneless ratite meat, ratite meat by-products, or ratite meat food products is adequate.
 - c. All denaturing shall be done immediately upon condemnation of the ratite meat or product, after the ratite meat or product is prepared, or during preparation of animal food products.
 - d. Every carrying container in which animal food obtained from a dead ratite is packaged shall bear the phrase "Animal Food Only" with markings on at least 2 sides, in letters 2 inches high. The exterior surface shall be sufficiently absorbent so that the markings will not become illegible during handling, storage, or transportation of the container.
 - e. Sales of ratite meat appropriate for animal food are permitted only to kennels, zoos, and animal food manufacturing plants licensed by the Department. The animal food manufacturing plant shall maintain records of these purchases for at least 1 year.
 - f. The operator of a slaughterhouse who wishes to appeal a decision of an inspector as to a carcass or part of a carcass that has been condemned, may appeal the decision to the State Veterinarian. If the operator is not satisfied and wishes to make a further appeal, the operator may submit an appeal to the Director, pursuant to 3 A.A.C. 1, Article 1.

Historical Note

Section R3-2-1108 recodified from R3-2-108 (Supp. 97-1).

R3-2-1109. Wholesale Processing Establishment Requirements

- A.** To prevent adulterated ratite products from entering intrastate or interstate commerce, each wholesale processing establishment shall be kept in a clean and sanitary condition and shall meet the requirements prescribed by R3-2-1105(A)(4) through (12) and the following requirements:
1. A ratite meat processor other than a slaughtering establishment shall have at least 1 daily inspection visit by an inspector when the establishment is in operation.
 2. A ratite meat processor, mentioned in subsection (A)(1), and a slaughtering establishment with state meat inspection service that processes ratite meat or ratite meat food products shall:
 - a. Allow all ratite meats used for processing to be re-inspected and condemned in whole or in part, if necessary.
 - b. Permit the inspectors to inspect all operations in the processing of ratite meat and meat food products to ensure that the operation is conducted in a clean and sanitary manner and in conformity with the provisions of this Article.
 - c. Use only "Arizona Inspected and Passed" products or "USDA Inspected and Passed" products in the preparation of all ratite meat and ratite meat food products.
- B.** All non-meat products used in the preparation of a ratite food product shall be approved by the Food and Drug Administration (FDA).
- C.** Labeling and containers.
1. At the time they leave the establishment, all ratite products inspected at a registered wholesale processing establishment and found to be not adulterated shall bear, on their shipping containers and immediate containers, in legible form, the following:
 - a. The true name of the product, including the species name;
 - b. The ingredient statement if the product contains 2 or more ingredients;
 - c. The name and address of the processing company;
 - d. "Keep refrigerated" or "Keep Frozen" statement;
 - e. The Arizona Inspected and Passed Brand;
 - f. The net weight of the product; and
 - g. A reproduction of the FDA-approved safe handling statement.
 2. Packaged carcasses shall bear the information listed in subsections (C)(1)(a) through (f) at the time they leave the establishment.
 3. No product shall be sold or offered for sale by any person in intrastate or interstate commerce under any name or other marking or labeling that is false or misleading, or in any container of a misleading form or size.

Historical Note

Section R3-2-1109 recodified from R3-2-109 (Supp. 97-1).

TITLE 3. AGRICULTURE**CHAPTER 3. DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION**

(Authority: A.R.S. §§ 3-341 et seq. and 3-3101 et seq.)

Title 3, Chapter 3, Article 1, Section R3-3-101 renumbered from Title 3, Chapter 10, Article 1, Section R3-10-101; Title 3, Chapter 3, Article 2, Sections R3-3-201 through R3-3-212 renumbered from Title 3, Chapter 10, Article 2, Sections R3-10-201 through R3-10-212; Title 3, Chapter 3, Article 3, Sections R3-3-301 through R3-3-314 renumbered from Title 3, Chapter 10, Article 2, Sections R3-10-301 through R3-10-314; Title 3, Chapter 3, Article 4, Sections R3-3-401 through R3-3-404 renumbered from Title 3, Chapter 10, Article 4, Sections R3-10-401 through R3-10-404; Title 3, Chapter 3, Article 5, Sections R3-3-501 through R3-3-506 renumbered from Title 3, Chapter 10, Article 5, Sections R3-10-501 through R3-10-506; Title 3, Chapter 3, Article 6, Sections R3-3-601 through R3-3-617 renumbered from Title 3, Chapter 10, Article 6, Sections R3-10-601 through R3-10-617; Title 3, Chapter 3, Article 7, Sections R3-3-701 through R3-3-712 renumbered from Title 3, Chapter 3, Article 1, Sections R3-3-01 through R3-3-12; Title 3, Chapter 3, Article 8, Sections R3-3-801 through R3-3-812 renumbered from Title 3, Chapter 3, Article 2, Sections R3-3-21 through R3-3-32; Title 3, Chapter 3, Article 9, Sections R3-3-901 through R3-3-916 renumbered to Title 3, Chapter 3, Article 3, Sections R3-3-41 through R3-3-56 (Supp. 91-4).

New Sections R3-10-101, R3-10-201 through R3-10-212, R3-10-301 through R3-10-306, R3-10-308 through R3-10-312, R3-10-401 through R3-10-403, R3-10-501 through R3-10-505, and R3-10-601 through R3-10-617 adopted effective November 20, 1987.

Former Sections R3-10-01, R3-10-03, R3-10-20 through R3-10-25, R3-10-40 through R3-10-42, R3-10-42.01, R3-10-43 through R3-10-62, R3-10-64 through R3-10-66, R3-10-70, R3-10-71, R3-10-73 through R3-10-75, R3-10-77 through R3-10-87, R3-10-89, and R3-10-91 repealed effective November 20, 1987.

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Article 6, consisting of Sections R3-3-601 through R3-3-617, repealed effective April 11, 1994 (Supp. 94-2).

ARTICLE 7. PESTICIDE

Title 3, Chapter 3, Article 1, Sections R3-3-01 through R3-3-12 renumbered to Title 3, Chapter 3, Article 7, Sections R3-3-701 through R3-3-712 (Supp. 91-4).

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ARTICLE 8. FERTILIZER MATERIALS

Title 3, Chapter 3, Article 2, Sections R3-3-21 through R3-3-32 renumbered to Title 3, Chapter 3, Article 8, Sections R3-3-801 through R3-3-812 (Supp. 91-4).

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R3-3-801.	Labeling
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R3-3-803.	Repealed
R3-3-804.	Repealed
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ARTICLE 9. COMMERCIAL FEED

Title 3, Chapter 3, Article 3, Sections R3-3-41 through R3-3-56 renumbered to Title 3, Chapter 3, Article 9, Sections R3-3-901 through R3-3-916 (Supp. 91-4).

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ARTICLE 10. AGRICULTURAL SAFETY

(Authority: A.R.S. § 3-3101 et seq.)

Title 3, Chapter 8, Article 2, Sections R3-8-201 through R3-8-208 renumbered to Title 3, Chapter 3, Article 10, Sections R3-3-1001 through R3-3-1008 (Supp. 91-4).

New Article 7 adopted effective July 13, 1989. (Supp. 89-3).

Article 2, consisting of Sections R3-2-201 through R3-8-208, transferred from the Industrial Commission, Title 4, Chapter 13, Article 7, Sections R4-13-701 through R4-13-708, pursuant to Laws 1990, Ch. 374, § 445 (Supp. 91-3).

Laws 1981, Ch. 149, effective January 1, 1982, provided for the transfer of the Office of Fire Marshal from the Industrial Commission to the Department of Emergency and Military Affairs, Division of Emergency Services (Supp. 82-2).

Section

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R3-3-1003.	Pesticide Safety Training
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R3-3-1011.	Repeated or Willful Violations

ARTICLE 1. GENERAL PROVISIONS**R3-3-101. Definitions**

In addition to the definitions set forth in A.R.S. § 3-361, the words and phrases in this Chapter, unless the context otherwise requires, shall have the following meanings:

1. "Act" means the federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended as of December 23, 1985.
2. "Acute oral" means a single dose taken by mouth or ingested.
3. "Administrator" means the administrator of the United States Environmental Protection Agency.
4. "Adulterate" means a change in the pesticide whereby:
 - a. Its strength or purity falls below the standard of quality stated on the labeling under which it is sold; or
 - b. Any substance has been substituted wholly or in part for the pesticide; or
 - c. Any constituent of the pesticide has been wholly or in part abstracted.
5. "Agricultural aircraft pilot" means any person who:
 - a. Offers his services for hire to a custom applicator as a pilot of agricultural aircraft; or
 - b. Pilots his own agricultural aircraft in the business of custom application.
6. "Agricultural pest control advisor" means any person who, as a requirement of, or incidental to, his employment or occupation:
 - a. Offers a written recommendation to a regulated grower or to any public or private agency concerning the control of any specific agricultural pest condition;
 - b. Holds himself forth as an authority or general advisor on any agricultural pest condition; or
 - c. Holds himself forth as an authority or general advisor on any agricultural pest to a regulated grower.

A person who merely furnishes information concerning general and labeling usage of a registered pesticide shall not be deemed to be holding himself forth as an authority or general advisor for the purposes of this Chapter.
7. "Aircraft" means any mechanism used in flight.
8. "Applicator" means any person who applies, or causes to have applied, any pesticide whether for his own use or on the property of other persons.
9. "Attorney General" means the duly elected or appointed, qualified and acting Attorney General of Arizona and his duly appointed assistants.
10. "Authorized activities" means any organized activities which utilize school facilities or the school grounds and whose sponsors or organizers have received the written or verbal approval of a responsible administrative official of the school.
11. "Bulk release" means the emergency or accidental release of any pesticide or mixture of pesticides in volumes greater than those which are prescribed by the product label for a target crop or field. The product dripping from a spray nozzle or minor splashing during mixing is not a bulk release.
12. "Certified applicator" means any person who has a valid commercial or private applicator certification issued by the Commission to use or supervise the use of any pesticide which is classified for restricted use.
13. "Commercial applicator" means a person, other than a private applicator or structural commercial applicator, who uses or supervises the use of any pesticide which is

classified for restricted use, for any purpose or on any property.

14. "Competent" means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.
15. "Custom application equipment" means aircraft and ground equipment used for pesticide application by custom applicators.
16. "Custom applicator" means any person who applies pesticides:
 - a. For hire; or
 - b. By aircraft whether or not for hire.
17. "Day care center" means any facility licensed as such by the state.
18. "Defoliation" means the killing or artificially accelerating the drying of plant tissue with or without causing abscission.
19. "Device" means any instrument or contrivance.
20. "Experimental use permit" or "EUP" means a permit that is issued by the administrator to a registrant for the purpose of accumulating information and data necessary for the registration of a particular pesticide.
21. "Ground equipment" means any device, other than aircraft, used in the application of pesticides that is either self-propelled or drawn by a power unit.
22. "Health care institution" means any institution licensed as such by the state.
23. "Highly toxic pesticide" means a pesticide with an acute oral or dermal LD₅₀ of 50 milligrams per kilogram of body weight or less.
24. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice.
25. "Label" means the written, printed, or graphic matter approved by the United States Environmental Protection Agency on or attached to any pesticide container or its wrappers or on or attached to any device.
26. "Labeling" means all labels and all other written, printed, or graphic matter authorized by the manufacturer of any state or federal agency that:
 - a. Accompanies any pesticide or device at any time; or
 - b. Is referred to on the label or in literature accompanying the pesticide or device, except where that reference is to current official publications of federal or state agencies, institutions, or agencies authorized by law to conduct research in the field of pesticides.
27. "LD₅₀" means a single lethal dose of pesticide as determined by a United States Environmental Protection Agency approved procedure that will kill 50 percent of laboratory test animals.
28. "Livestock" means cloven hoofed animals, horses, mules or asses.
29. "Milligrams per kilogram (mg/kg)" refers to the single dose of the pesticide in terms of milligrams of the substance per kilogram of body weight of the test animal.
30. "Owner" means that person who holds legal or equitable title or is the purchaser on contract of land upon which agricultural commodities are commercially grown or produced.

31. "Party" means each person or agency (including the Commission) named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
32. "Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association, state, a political subdivision of this state, or commission or the United States government or a federal facility, interstate body or other entity.
33. "Pest" means any insect, rodent, nematode, fungus, weed, mollusk, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganisms, except on or in living man, that are or may be injurious to vegetation, humans, animals, households or are or may be injurious when it is present in any environment.
34. "Pest control" means the use or application of any pesticide, or of any substance, method or device for pesticidal purposes including preventing, destroying, or repelling any pest or preventing, mitigating or correcting any disorder of plants or for the pesticidal purpose of inhibiting, regulating, stimulating or otherwise altering plant growth by direct application to plants, excluding foliar fertilizers.
35. "Private applicator" means a person who uses or supervises the use of any pesticide, which is classified for restricted use, for the purpose of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.
36. "Property boundary of a day care center or health care institution" means the outer perimeter of the area of the day care center or health care institution within which normal authorized activities are conducted.
37. "Property boundary of a residence" means the legal boundary of the land on which the residence sits unless such other boundary is established by a written agreement of the occupant of the residence, but in no event shall the boundary be less than ten feet from the residence.
38. "Property boundary of a school" means the outer perimeter of the area of a school within which instruction, including physical education, is imparted, as well as all adjacent grounds where educational or recreational activities are authorized or sponsored by the school.
39. "Range livestock" means livestock customarily permitted to roam upon the ranges of the state, whether public domain or in private control, and not in the immediate actual possession or control of the owner although occasionally placed in enclosures for temporary purposes.
40. "Registrant" means any person who has registered any pesticide pursuant to the Act and with the Office of the State Chemist.
41. "Regulated grower" means a person who makes purchases of pesticides or contracts for the application of pesticides to commercial agricultural commodities, as a part of such person's normal course of employment or activity as an owner, lessee, sublessee, sharecropper or manager of land upon which application of pesticide is made.
42. "Regulate use" means to establish the time during which, the location where and the conditions under which use of a named pesticide may be made or shall not be made.
43. "Residence" means a dwelling place, whether or not it is attached to one or more other dwelling places, where one or more individuals are living.
44. "Respirator" means a mask of a type that has been tested and approved by the National Institute for Occupational Safety and Health and found to be satisfactory for protection against the particular pesticide being used.
45. "Restricted use pesticides" or "RUP" means those pesticides listed in 40 CFR 162.31 amended as of July 1, 1986, which is herein adopted and incorporated by reference and on file with the Office of the Secretary of State.
46. "Rodent" means all members of the order rodentia and rabbits and hares.
47. "School" means a public or private academic institution whose primary purpose is the imparting of academic instruction.
48. "Seller" means any pesticide distributor, dealer or any other person who sells, or offers for sale, any pesticide.
49. "Structural commercial applicator" means any person regulated by Title 32, Chapter 22, Article 4 of the Arizona Revised Statutes.
50. "Under the direct supervision of" means that a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.
51. "Weed" means any plant which grows where it is not wanted.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-101 (Supp. 91-4).

R3-3-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 1. If the applicant makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the

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additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.

2. The Department shall issue a written notice granting or denying a license within the substantive review time-

frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Grower Permit	A.R.S. § 3-363	14	14	56	14	70
Seller Permit	A.R.S. § 3-363	14	14	56	14	70
Agricultural Aircraft Pilot	A.R.S. § 3-363	14	14	56	14	70
Custom Applicator License	A.R.S. § 3-363	14	14	63	14	77
Application Equipment	A.R.S. § 3-363	14	14	56	14	70
Pest Control Advisor	A.R.S. § 3-363	14	14	63	14	77
Commercial Applicator Certification	A.R.S. 3-363	14	14	63	14	77
Private Application Certification	A.R.S. § 3-363	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01	14	14	28	14	42
Continuing Education Approval	A.R.S. § 3-363	14	14	42	14	56
Pesticide Registration	A.R.S. § 3-351	14	14	91	14	105
Licensing Manufacture or Distribution of Commercial Feed	A.R.S. § 3-2609	14	14	42	14	56
Commercial Fertilizer License	A.R.S. § 3-272	14	14	42	14	56
Specialty Fertilizer Registration		14	14	56	14	70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125 R3-3-1003	28	14	28	14	56

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

ARTICLE 2. PERMITS, LICENSES AND CERTIFICATION**R3-3-201. Permit -- regulated grower**

- A. No regulated grower shall order, purchase or take delivery of any pesticide unless he has a valid regulated grower permit issued by the Commission.
- B. All regulated grower permits will be valid for a period of one year, or portion thereof, and expire on March 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- C. Completed applications shall be submitted to the Commission and shall be accompanied by a \$20.00 fee.
- D. Applications for renewal of regulated grower permits shall be submitted to the Commission annually on or before March 1 and shall be accompanied by a \$20.00 fee.
- E. Regulated grower permits are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

R3-3-202. Permit -- seller

- A. No person shall act as a seller unless he has a valid seller permit issued by the Commission.

- B. All seller permits will be valid for a period of one year, or portion thereof, and expire on March 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- C. Completed applications shall be submitted to the Commission and shall be accompanied by a \$100.00 fee.
- D. Applications for renewal of seller permits shall be submitted to the Commission annually on or before March 1 and shall be accompanied by a \$100.00 fee.
- E. Seller permits are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-201 (Supp. 91-4).

R3-3-203. License -- agricultural aircraft pilot

- A. No person shall act as an agricultural aircraft pilot unless he has a valid agricultural aircraft pilot license issued by the Commission.
- B. In order to qualify for a license, the applicant must achieve a minimum score of 75% on an examination approved and administered by the Commission. Examinations will be given

at every Commission office during regular office hours. Any person failing the examination may retake it as many times as he wants. Any examination retake will require a waiting period of at least seven days from the time of the last examination. The examination will test the knowledge and understanding of:

1. Pesticide use and safety;
 2. Safe flight and application procedures;
 3. Operation and application in the vicinity of schools, day care centers, health care institutions and residences;
 4. Steps to be taken before starting operations, such as survey of target area and consideration of possible hazards to public health and the environment;
 5. Statutes and rules relating to the application and use of pesticides; and
 6. Integrated pest management.
- C. In addition to the examination requirement specified in R3-3-203(B), an agricultural aircraft pilot license shall not be issued, renewed or remain valid unless the applicant or license holder has a valid commercial pilot's certificate issued by the Federal Aviation Administration.
- D. Agricultural aircraft pilot licenses will be valid for a period of one year, or portion thereof, and expire on December 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- E. Completed applications shall be submitted to the Commission and shall be accompanied by a \$50.00 fee.
- F. Applications for renewal of agricultural aircraft pilot licenses shall be submitted to the Commission annually on or before December 1 and shall be accompanied by a \$50.00 fee.
- G. Agricultural aircraft pilot licenses are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-203 (Supp. 91-4).

R3-3-204. License -- custom applicator

- A. No persons shall act as a custom applicator unless he has a valid custom applicator license issued by the Commission.
- B. In order to qualify for a license, the applicant must achieve a minimum score of 75% on the core examination and a minimum score of 75% on the method examination (ground or aircraft) in which the custom applicator wishes to be licensed. Examinations must be approved by the Commission and will be given at every Commission office during regular office hours. Any person failing the examination may retake it as many times as he wants. Any examination retake will require a waiting period of at least seven days from the time of the last examination.
1. The core examination will test the knowledge and understanding of:
 - a. Statutes and rules relating to the application and use of pesticides;
 - b. Pesticide use and safety; and
 - c. Calibration of equipment.
 2. Methods examinations.
 - a. The aircraft method examination will test the knowledge and understanding of aircraft equipment application procedures.
 - b. The ground method examination will test the knowledge and understanding of ground aircraft equipment application procedures.
- C. In addition to the examination requirements specified in R3-3-204(B), except as otherwise provided in R3-3-204(E), a custom applicator license shall not be issued, renewed or remain valid unless the applicant or license holder:

1. Has at least one person employed who is, or is himself, certified as a commercial applicator; and
 2. Maintains at all times during the licensing period liability insurance coverage of at least \$300,000 (\$100,000 for property damage, \$100,000 for public liability, and \$100,000 for drift). Evidence of insurance coverage must be demonstrated to the Commission upon initial application or application renewal.
- D. In addition to the requirements specified in R3-3-204(B) and (C), a custom applicator license shall not be issued, renewed or remain valid for any custom applicator utilizing aircraft, unless the applicant or license holder has a valid Federal Aviation Administration commercial agricultural aircraft operator's certificate. A copy of the certificate shall be submitted to the Commission upon initial application or application renewal.
- E. Notwithstanding R3-3-204(C)(2), a custom applicator may terminate the liability insurance coverage required by that paragraph provided that the custom applicator immediately ceases to act as a custom applicator and does not again begin to act as a custom applicator until he has the required insurance. A custom applicator license that is valid in all other respects shall not be rendered invalid due to the termination of the required insurance coverage as long as this subsection and the rest of this rule are complied with.
- F. Custom applicator licenses will be valid for a period of one year, or portion thereof, and expire on December 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- G. Completed applications shall be submitted to the Commission and shall be accompanied by a \$100.00 fee.
- H. Applications for renewal of custom applicator licenses shall be submitted to the Commission annually on or before December 1 and shall be accompanied by a \$100.00 fee.
- I. Custom applicator licenses are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-204 (Supp. 91-4).

R3-3-205. License -- custom application equipment

- A. No custom application equipment shall be used unless the equipment has a valid custom application equipment license issued by the Commission.
- B. A custom application equipment license shall not be issued, renewed or remain valid unless the operator of the equipment is licensed as a custom applicator.
- C. Prior to the issuance or renewal of an aircraft equipment license, the Commission may require that the aircraft be made available for inspection to determine compliance with the provisions of R3-3-311.
- D. Custom application equipment licenses will be valid for a period of one year, or portion thereof, and expire on December 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- E. Completed applications shall be submitted to the Commission and shall be accompanied by a \$25.00 fee.
- F. Applications for renewal of custom applicator equipment licenses shall be submitted to the Commission annually on or before December 1 and shall be accompanied by a \$25.00 fee.
- G. Custom applicator equipment licenses are not transferable except as follows:
 1. If a licensed piece of equipment has been destroyed, rendered unusable or transferred out of the state, the license may be transferred to another piece of equipment.
 2. If a licensed piece of equipment is leased, sold or traded, the license must be transferred with the equipment to the lessee or new owner.

3. Prior to transferring a license, the license owner shall notify the Commission that the license is being transferred, to whom the license is being transferred, and to what piece of equipment the license is being transferred.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-205 (Supp. 91-4).

R3-3-206. License -- agricultural pest control advisor

- A. No person shall act as an agricultural pest control advisor unless he has a valid agricultural pest control advisor license issued by the Commission.
- B. In order to qualify for a license, a core examination and at least one specific category examination must be taken. The applicant must achieve a minimum score of 75% on the core examination and a minimum of 75% in each specific category in which the applicator wishes to advise. Examinations must be approved and administered by the Commission and will be given at every Commission office during regular office hours.
 1. The core examination will test the knowledge and understanding of:
 - a. Statutes and rules relating to the application and use of pesticides; and
 - b. Pesticide use and safety; and
 - c. Pesticide labels and labeling.
 2. The specific categories in which an advisor can be licensed are:
 - a. Weed control.
 - b. Insect and mite control.
 - c. Nematodes.
 - d. Plant pathogens.
 - e. Vertebrate pest control.
 - f. Plant growth regulators.
 - g. Defoliation.
 3. Any person failing the core or specific category examinations may retake either examination as many times as he wants. Any core or specific category examination retake will require a waiting period of at least seven days from the time of the last core or specific category examination, respectively.
- C. Agricultural pest control advisor licenses will be valid for a period of one year, or portion thereof, and expire on December 31 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- D. Completed applications shall be submitted to the Commission and shall be accompanied by a \$50.00 fee.
- E. Applications for renewal of agricultural pest control advisor licenses shall be submitted to the Commission annually on or before December 1 and shall be accompanied by a \$50.00 fee.
- F. Agricultural pest control advisor licenses shall not be renewed unless the advisor has completed six credit hours of continuing education instruction, as set out in R3-3-212, in the previous licensing year or retakes the examinations required by R3-3-206(B).
- G. Agricultural pest control advisors licenses are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-206 (Supp. 91-4).

R3-3-207. Commercial applicator certification

- A. No person shall act as a commercial applicator unless he has a valid commercial applicator certification issued by the Commission.
- B. In order to qualify for a commercial applicator certification, the applicant must achieve a minimum score of 75% on the core examination and a minimum of 75% in each specific category in which the commercial applicator wishes to be certified.

Examinations must be approved and administered by the Commission and will be given at every Commission office during regular office hours.

1. The core examination will test the knowledge and understanding of:
 - a. Pesticide labels and labeling;
 - b. Pesticide terminology;
 - c. Pesticide safety and toxicity;
 - d. Common causes of accidents;
 - e. Need of protective equipment and clothing;
 - f. Poisoning symptoms;
 - g. Practicable first aid; and
 - h. Statutes and rules relating to the application and use of pesticides.
2. The specific categories in which a commercial applicator can be certified in are:
 - a. Agricultural pest control.
 - b. Forest pest control.
 - c. Seed treatment.
 - d. Aquatic pest control. This category includes the application of restricted use pesticides to standing or running water but excludes applicators engaged in public health related activities who must be certified in the category of public health pest control.
 - e. Right-of-way pest control. This category includes the application of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway and right-of-ways.
 - f. Public health pest control. This category includes the application of restricted use pesticides by state, federal, or other governmental employees in public health programs for the management and control of pests having medical and public health importance.
 - g. M-44 regulatory pest control. This category includes the use of M-44 by state, federal or other governmental employees.
 - h. Rodent regulatory pest control. This category includes the use of restricted use pesticides by state, federal or other governmental employees for rodent control.
3. Any person failing the core or specific category examinations may retake either examination as many times as he wants. Any core or specific category examination retake will require a waiting period of at least seven days from the time of the last core or specific category examination, respectively.

- C. Commercial applicator certifications will be valid for a period of one year, or portion thereof, and expire on September 30 of each year except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- D. Completed applications shall be submitted to the Commission and shall be accompanied by a \$50.00 fee.
- E. Applications for renewal of commercial applicator certifications shall be submitted to the Commission annually on or before September 1 and shall be accompanied by a \$50.00 fee.
- F. Commercial applicator certifications shall not be renewed unless the commercial applicator has completed six credit hours of continuing education instruction, as set out in R3-3-212, in the previous licensing year or retakes the examinations required by R3-3-207(B).
- G. Commercial applicator certifications are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-207 (Supp. 91-4).

R3-3-208. Private applicator certification

- A. No person shall act as a private applicator unless he has a valid private applicator certification issued by the Commission.
- B. In order to qualify for a private applicator certification, the applicant must achieve a minimum score of 75% on an examination approved and administered by the Commission. Examinations will be given at every Commission office during regular office hours. Any person failing the examination may retake it as many times as he wants. Any examination retake will require a waiting period of at least seven days from the time of the last examination. The examination will test the knowledge and understanding of:
 - 1. Statutes and rules relating to the application and use of restricted use pesticides;
 - 2. Pesticide labels and labeling;
 - 3. Pesticide terminology;
 - 4. Pesticide safety and toxicity;
 - 5. Common causes of accidents;
 - 6. Need of protective equipment and clothing;
 - 7. Poisoning symptoms; and
 - 8. Practicable first aid.
- C. Private applicator certifications will be valid for a period of one year, or portion thereof, and expire on September 30 of each year, except as otherwise provided in Title 41, Chapter 6, Article 6 of the Arizona Revised Statutes.
- D. Completed applications shall be submitted to the Commission and shall be accompanied by a \$50.00 fee.
- E. Applications for renewal of private applicator certifications shall be submitted to the Commission annually on or before September 1 and shall be accompanied by a \$50.00 fee.
- F. Private applicator certifications shall not be renewed unless the private applicator has completed three credit hours of continuing education instruction, as set out in R3-3-212, in the previous licensing year or retakes the examination required by R3-3-208(B).
- G. Private applicator certifications are not transferable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-208 (Supp. 91-4).

R3-3-209. Persons exempt from permitting, licensing and certification provisions

- A. Persons who apply pesticides in buildings or for structural pest control purposes are not required to apply for nor possess a license or certification from the Commission.
- B. Persons who sell, offer for sale, deliver or offer for delivery a general use pesticide to be used for private, noncommercial use in or around the home in a quantity not to exceed one gallon in liquid formulation, 15 pounds in a dry granular formulation, and 50 pounds in a fertilizer and pesticide mix per transaction are not required to apply for nor possess a seller's permit from the Commission.
- C. Persons who purchase a general use pesticide for other than agricultural purposes, structural pesticide use, or use by a registered contractor, in excess of those described in above subsection of this rule must record their name, address, signature, and quantity purchased with the seller, as provided in R3-3-401(D).

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-209 (Supp. 91-4).

R3-3-210. Persons exempt from licensing and certification fees

Federal, state, city and county agencies and individuals applying pesticides under the direct supervision of these agencies are not required to pay the licensing or certification fee.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-210 (Supp. 91-4).

R3-3-211. Additional grounds for denial of licenses, permits or certifications

The Commission may refuse to issue or renew a license, permit or certification to any person who fails to demonstrate sufficient reliability, expertise, integrity and competence to engage in pesticide use.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-211 (Supp. 91-4).

R3-3-212. Continuing education requirements for agricultural pest control advisors and certified applicators

- A. In order to qualify for credit, continuing education instruction must be approved by the Commission. Commission approval will not be given unless the instruction is substantially related to the license or certification to which the credit is being applied.
- B. One hour of credit will be given for each 50 minutes of actual instruction.
- C. Before credit will be given, documentation of completion of the continuing education instruction must be provided to the Commission.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-212 (Supp. 91-4).

ARTICLE 3. REQUIREMENTS FOR PESTICIDE USE, SALES AND EQUIPMENT**R3-3-301. Pesticide use**

- A. No person shall use, apply or instruct another to apply a pesticide in a manner or for a use inconsistent with the product label or labeling except that:
 - 1. A pesticide may be applied at a dosage, concentration, or frequency less than that specified on the product labeling.
 - 2. A pesticide may be applied against any target pest not specified on the labeling if application is to the crop, animal, or site specified on the product labeling.
 - 3. A pesticide may be applied by any method of application not prohibited by the product labeling.
- B. After a pesticide is applied to a field, no crop from that field shall be harvested, and no livestock shall be permitted to graze in that field in violation of any provision of the pesticide labeling.
- C. No regulated grower shall allow any employee not wearing protective clothing as required by the product label to enter any field treated with pesticide prior to the reentry time period assigned to the pesticide.
- D. Prior to a pesticide application, the regulated grower shall ensure that all persons and livestock subject to his control have been removed from the area to be treated.
- E. No persons, other than those making applications pursuant to government sponsored control measures, shall apply, cause or authorize another to apply or cause the direct release of a pesticide spray, dust or granules such that it comes into contact with persons (other than those involved in the application who are wearing the proper protective clothing and equipment), animals, or property other than the target crop being treated,

unless such release is caused by accident, is done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release or is caused by mechanical malfunction beyond the control of the operator.

- F. Whenever possible when applying pesticides by aircraft, pilots shall fly crosswind, unless obstacles do not permit it, and shall begin their application at the downwind side of the field so that drift will be dispersed on return swathe.
- G. Pilots who mix and load or in any manner handle highly toxic pesticides shall wear protective clothing as prescribed by the product label.
- H. A highly toxic pesticide, other than a pesticide registered by the United States Environmental Protection Agency for ultra low volume application, shall not be applied in a volume less than one gallon per acre in the final spray form. The content of that gallon shall be at least 50 percent water.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-301 (Supp. 91-4).

R3-3-302. Custom application; requirement for written recommendations or written instructions; reports to Commission

- A. Agricultural pest control advisors and regulated growers shall put all recommendations or instructions concerning the control of any specific pest condition in writing and certify same on Commission Form 1080 when the application is to be made by a custom applicator. The recommendations and instructions shall include the location of the land (by county, range, township and section) on which the application is to be made, quantity of the land to receive application, date on which application is to be made, method of application to be used, who will be making the application, pest conditions present, harvest date, label days to harvest, worker reentry safety interval, crops to be treated and whether or not the land to receive application is a pesticide management area. Additionally, the recommendations and instructions shall include the name and quantity of the pesticide to be applied, its United States Environmental Protection Agency registration number, rate and dilution per acre, the pesticide delivery location, label restrictions and special instructions and whether or not a supplemental label is required.
- B. An applicator shall not make a custom application of pesticides unless, prior to such custom application, the applicator is in receipt of a copy of the completed Form 1080. Applications shall be made in accordance with the recommendations and instructions on the Form 1080 unless those recommendations or instructions conflict with the product label in which case the application shall be applied in accordance with the provisions on the product label except as provided in R3-3-301(A) and so noted on the Form 1080.
- C. The pest control advisor shall notify the regulated grower or his authorized agent verbally or in writing, prior to the application of any pesticide, of the date on which application is scheduled to be made.
- D. After a custom application is made, the custom applicator shall endorse on the Form 1080 that the pesticide was applied in strict compliance with the recommendations and instructions and shall specify the date and time the application was made, the wind direction and velocity at the application site, the equipment used in making the application, and any deviation from the recommendation or instructions. The original of each completed Form 1080 shall be mailed to the Commission and shall be postmarked not later than the Monday following the week in which the application was made, except when holidays intervene. If no work was done during a specific weekly period, the custom applicator shall submit a written report to

the Commission at the end of each month specifying those weeks in which he had no applications.

- E. The applicator, seller, and pest control advisor shall retain their copies of the Form 1080 for at least two years following the date of the custom application.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-302 (Supp. 91-4).

R3-3-303. Premixing of chlorate defoliation compound

Sodium chlorate compound shall not be applied unless it has been premixed with the fire retardant component.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-303 (Supp. 91-4).

R3-3-304. Requirement for closed mixing and rinsing systems

- A. No person shall pour or mix or instruct another to pour or mix the liquid pesticide chlordimeform except by the use of closed mixing and container rinsing systems.
- B. The liquid pesticide chlordimeform shall be removed from the original shipping container and transferred to the mix tank or application vehicle tank by a closed system of hoses, pipes, or couplings that connect directly and are sufficiently tight to avoid exposure of a person to the pesticide concentrates and rinsing solution.
- C. The closed mixing and rinsing system shall provide for accurate measurement of the pesticide being used. The system shall also have the capacity to safely and adequately rinse containers and all the effluent from the rinsing operations shall go into the pesticide mix tank or application vehicle via the closed system. The rinsate shall be water containing no pesticide.
- D. After empty nonsalvageable (according to the label) containers are rinsed, they must be punctured or crushed so as to render them incapable of holding liquid materials. All salvageable (according to the label) containers need not be punctured or crushed but must have all bungs and closures replaced after rinsing and prior to disposal as a recoverable resource. Returnable containers must have bungs and closures replaced prior to return to supplier.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-304 (Supp. 91-4).

R3-3-305. Storage and disposal

No person shall dump, negligently store or leave unattended any pesticide, or pesticide container or part thereof, at any place or under any condition where it presents a hazard to persons, animals or property.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-305 (Supp. 91-4).

R3-3-306. Experimental use permits

- A. Any registrant receiving a federally approved experimental use permit which includes the state of Arizona for a testing site shall provide to the Commission, prior to any application being made pursuant to the permit, the following information:
 1. A copy of the approved experimental use permit along with the program outline;
 2. Experimental use permit number;
 3. Name, address and phone number of the supervising technical personnel;

4. Names, addresses and phone numbers of the cooperators who will be involved in the application of the pesticide product;
 5. The locations (by county, range, township and section) where tests will be conducted;
 6. Crop and acreage to be treated;
 7. Total amount of active ingredient to be applied in Arizona;
 8. Application rate of formulation per acre;
 9. Method of application;
 10. The name and address of the applicator who will be making the applications;
 11. Time frame in which applications will be made; and
 12. Special experimental use permit conditions.
- B.** If subsequent to providing the information specified in R3-3-306(A) the experimental use permit is amended or extended, the registrant shall notify the Commission by telephone within 24 hours of such amendment or extension. The changes shall also be provided to the Commission in writing within five days of the amendment or extension.
- C.** It is the responsibility of the supervisor named in R3-3-306(A)(3) or his cooperator of record to notify the Commission of the exact time, date and location of an application at least 24 hours prior to the application.
- D.** An applicator shall not apply any experimental use pesticide in any manner other than is specified in the experimental use permit.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-306 (Supp. 91-4).

R3-3-307. Emergency

For the purposes of A.R.S. § 3-372, the term "Emergency" means a regulated grower requires the application of a pesticide to his crop within five days and there are no custom applicators available to make the application within this time frame.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1).
 Renumbered from R3-10-307 (Supp. 91-4).

R3-3-308. Pesticide management areas; criteria for designation

- A.** The Commission shall publish a list of all locations within the state designated as pesticide management areas. Lists shall be updated monthly and will be available at every Commission office.
- B.** Designation of any location as a pesticide management area shall be made by the Commission when all of the following evaluation criteria are met:
1. The distance between the land that is being or will be treated and the property boundary of any residence, school, day care center or health care institution is less than one quarter mile.
 2. The pesticide is applied by air.
 3. The pesticide is highly toxic or odoriferous.
 4. At least five percent of the residences or any of the schools, or any of the day care centers or any of the health care institutions located less than 1/4 mile from the land that is being or will be treated have filed a complaint with the Commission.
- C.** If any area which is listed by the Commission no longer meets all of the criteria listed in R3-3-308(B), it shall be removed from the Commission's list.
- D.** Any person may petition the Commission at any time to add or delete an area to or from the list of pesticide management areas. Petitions shall address all of the criteria listed in R3-3-

308(B). All petitions shall be considered by the Commission no later than 90 days from the date the petition was submitted.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-308 (Supp. 91-4).

R3-3-309. Pesticide sales

- A.** No seller shall sell, offer for sale, deliver, or offer for delivery any pesticide without first determining that the pesticide will be applied by a person who has a valid certification or permit issued by the Commission for use of the pesticide or under the direct supervision of a person who has a valid certification or permit issued by the Commission for the use of the pesticide except as otherwise provided in R3-3-209(B).
- B.** The permit numbers of the seller and regulated grower shall be written on each sale and delivery ticket and on each of the pesticide containers or cartons.
- C.** The seller shall register with the Commission the name and address of each salesperson and pest control advisor employed for the purpose of selling pesticides within this state.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-309 (Supp. 91-4).

R3-3-310. Receipt of restricted use pesticides by noncertified persons

- A.** No person shall sell, offer for sale, deliver or offer for delivery a restricted use pesticide to a person other than a certified applicator without having first completed written documentation that the material is to be applied by or under the supervision of a certified applicator in accordance with R3-3-309(A). Such documentation shall consist of the following information:
1. The name and address of the residence or principal place of business of the noncertified purchaser;
 2. The name and address of the residence or principal place of business of the certified applicator who will apply or supervise the application of the material;
 3. The certified applicator's certification number and the expiration date of the certification;
 4. The categories in which the applicator is certified;
 5. The pesticide product name;
 6. The United States Environmental Protection Agency registration number;
 7. The state special local need registration number, if applicable;
 8. The emergency number granted under Section 18 of the Act if applicable;
 9. The quantity of pesticide sold to the purchaser; and
 10. The date of the transaction.
- B.** Additionally, at the time of the delivery of the restricted use pesticide, the noncertified individual, if not known to be accepting the pesticide on behalf of a certified applicator, shall demonstrate to the seller proof of identity and at least one of the following:
1. The actual certificate of the certified applicator who will be applying or supervising the application of the restricted use pesticide;
 2. A photocopy or facsimile of the actual certificate of the certified applicator who will be applying or supervising the application of the restricted use pesticide along with a statement signed by the certified applicator authorizing the noncertified individual to purchase or receive the restricted use pesticide on his behalf; or
 3. A photocopy or facsimile of the actual certificate of the certified applicator who will be applying or supervising

the application of the restricted use pesticide along with a copy of a signed contract or agreement authorizing the noncertified person to receive the restricted use pesticide for and on behalf of the certified applicator.

- C. If, at the time of the sale of the restricted use pesticide to a noncertified person, that person satisfied the requirements in R3-3-310(B) by presenting a signed statement, contract or agreement, a copy of the signed statement, contract or agreement must be kept on file with the seller.
- D. Records of all sales or deliveries made pursuant to this rule and the documentation required by this rule shall be retained by the seller for at least two years from the date of the sale.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-310 (Supp. 91-4).

R3-3-311. Equipment requirements

- A. Every aircraft must have workable navigation lights when it is moving under its own power.
- B. The equipment license must be prominently displayed in a visible position on the equipment and must be maintained in a legible condition.
- C. If a custom applicator's license is suspended for any portion of the calendar year, the equipment license must be removed or obliterated from each piece of the suspended custom applicator's equipment until such time as the custom applicator's license is reinstated, at which time the Commission will furnish new equipment licenses to the custom applicator.
- D. If the custom applicator's license is revoked or not renewed, the equipment license must be removed or obliterated from each piece of the former custom applicator's equipment. New equipment licenses may be applied for as provided in R3-3-205 if and when the custom applicator obtains a new license.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-311 (Supp. 91-4).

R3-3-312. Aircraft, pilots and federal certificates

- A. No person shall operate any aircraft in this state for the custom application of pesticides unless the aircraft has a valid Federal Aviation Administration airworthiness certificate and a valid equipment license issued by the Commission.
- B. A custom applicator shall not permit an aircraft to be flown while engaged in the application of pesticides by a person who does not hold a valid agricultural aircraft pilot license issued by the Commission.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-312 (Supp. 91-4).

R3-3-313. Pesticide container disposal

- A. For the purpose of this rule:
 - 1. "Pesticide container" means any package, can, bottle, bag, barrel, drum, tank, or other containing device that is used or has been used to enclose a pesticide.
 - 2. "Disposal" means the discarding of a pesticide container which results in the deposit, dumping, burning, or placing of the container into or on any land or water.
 - 3. "Diluent" means the liquid added to a pesticide by the user to reduce the concentration of the active ingredient in the mixture.
- B. No person shall cause the disposal of any pesticide container except:
 - 1. At a sanitary landfill approved by the state and/or political subdivision of the state.

- 2. By burning in the case of pesticide containers in the form of combustible bags or packages, provided that such burning:
 - a. Is permitted by, and conducted in accordance with all applicable state and local regulations; and
 - b. Is conducted in an open area isolated and downwind from populated areas, and
 - c. Does not include combustion of containers that have been used to enclose inorganic pesticides (noncarbon-containing substances used as pesticides) or organic mercury, lead, cadmium, or arsenic compounds. This does not apply to agricultural inorganic compounds except those compounds containing mercury, lead, cadmium, or arsenic.

- 3. At any site expressly approved by the Arizona Department of Environmental Quality as a hazardous waste disposal site.

- C. Prior to disposal of any pesticide container in a sanitary landfill pursuant to subsection (B)(1) of this rule, the following steps must be taken:
 - 1. Pesticide containers in the form of cans, bottles, barrels, drums, or tanks, other than pressurized containers or containers referenced in R3-3-314 shall be rinsed at least three times, each time using a volume of water (or other diluent as specified on the label) equal to a minimum of 10% of the containers capacity. An equivalent alternative rinsing method may be used provided that equivalent results are achieved. The liquid from rinsing required by this paragraph shall not be discharged into the environment except where used or disposed of as a pesticide in accordance with all applicable laws and regulations. After containers are rinsed as required by this paragraph, they shall be punctured or crushed so as to render them incapable of holding liquid.
 - 2. Pesticide containers in the form of combustible bags or packages must be either:
 - a. Folded and tied into bundles; or
 - b. Enclosed securely in secondary containers that are labeled as containing pesticide residue.

- D. Subsections (B) and (C) of this rule shall not apply to pesticide containers of one gallon or less liquid capacity or five pounds or less solid capacity unless such containers have been used to enclose highly toxic pesticides as defined in R3-3-101.
- E. A grower disposing of pesticide containers that are the result of his own use as a grower is not required to comply with the requirements of subsection (B)(1) provided:
 - 1. He complies with the requirements of subsection (C)(1), and
 - 2. The grower shall obtain a permit pursuant to A.R.S. § 49-766 to operate an agricultural on-site disposal area from the county board of supervisors.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1).

Renumbered from R3-10-313 (Supp. 91-4).

R3-3-314. Returnable/reusable, recyclable, reconditionable pesticide containers

- A. Pesticide containers, as defined in R3-3-313(A)(1), containing label provisions as returnable/reusable containers or provisions for recycling or reconditioning may be shipped in accordance with the label directions to a dealer, distributor, formulator or to reconditioning or recycling facilities that are operated in accordance with all applicable laws and regulations.
- B. All pesticide containers being held for shipment pursuant to subsection (A) must, immediately after use, be placed in a

secure environment inaccessible for any use other than shipment pursuant to label directions.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1).

Renumbered from R3-10-314 (Supp. 91-4).

ARTICLE 4. RECORDKEEPING AND REPORTING

R3-3-401. Recordkeeping: sellers of general use and restricted use pesticides

- A. Sellers of restricted use and general use pesticides shall maintain records showing the receipt, sale, delivery or other disposition of all pesticides or pesticide devices for a period of two years. Sellers shall file with the Commission, within 15 days from the effective date of this rule, a signed statement stating where the records required by this rule will be kept. If a seller intends to change the location of where he keeps his records, he shall file with the Commission prior to the move a signed statement stating the new location where the records required by this rule will be kept.
- B. If a restricted use or general use pesticide is sold, delivered or otherwise disposed of for agricultural purposes, structural pesticide use or for use by a registered contractor, the records shall contain the following information:
 1. Bill of lading or other record of the receipt of the product at the selling establishment;
 2. Record of the sale, delivery or other disposition of the product;
 3. Name of consignor and consignee (sales made to Mexico shall be marked "for export only" on the invoice);
 4. Regulated grower permit number, structural pest control board license number or the registrar of contractor's license number of the purchaser; and
 5. Date of the sale, delivery, or other disposition.
- C. In addition to the information required in R3-3-401(B), if a restricted use pesticide is sold, delivered or otherwise disposed of for use by a certified applicator, the records shall contain the following information:
 1. Name and address of the residence or principal place of business of each person to whom the restricted use pesticide was sold, delivered or otherwise disposed of; or the records required in R3-3-310;
 2. With respect to the certified applicator who will be using the restricted use pesticide, his certification number, the expiration date of his certification, and the categories in which he is certified;
 3. The pesticide product name;
 4. The United States Environmental Protection Agency registration number;
 5. The state special local need registration number, if applicable;
 6. The emergency exemption permit number granted under Section 18 of the Act if applicable;
 7. The quantity of the pesticide made available for use in the transaction; and
 8. The date of the transaction.
- D. If a general use pesticide is sold, delivered or otherwise disposed of for other than agricultural purposes, structural pesticide use, or use by a registered contractor in amounts in excess of those described in R3-3-209(B), the records shall contain the name, address and signature of the purchaser and the quantity purchased.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-401 (Supp. 91-4).

R3-3-402. Private applicator records

- A. Following a private application of a restricted use pesticide, the private applicator shall complete an application record on a form approved by the Commission.
- B. The form shall contain the following:
 1. Name of the private applicator and his certification number;
 2. Name and permit number of the person who sold him the pesticide that was applied;
 3. Crop name and the number of acres that were treated with the pesticide;
 4. Name of the pesticide that was applied and its United States Environmental Protection Agency registration number;
 5. Rate per acre of active ingredient or formulation of pesticide;
 6. Total volume of mix per acre;
 7. Date and time of the application;
 8. Location (by county, range, township and section) of the field that received the application; and
 9. Name of regulated grower and method of application.
- C. Records required by this rule shall be retained by the private applicator for at least two years from the date of the private application.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-402 (Supp. 91-4).

R3-3-403. Reporting of bulk release

- A. A bulk release of a pesticide shall be reported by the applicator to the Commission by telephone as soon as practicable but in no event later than three hours after the bulk release. When such bulk release is on a public highway, railway or results in the death of a person, the applicator shall immediately report the release to the Arizona Department of Public Safety duty officer by telephone and the Commission as soon as practicable.
- B. Within five days of the bulk release, the applicator shall provide a written report to the Commission listing all details of the release, including the location of, the amount of and the reasons for the release, the disposition of the pesticide released, the measures taken to prevent unauthorized entry to the site of the release and the measures taken to prevent further contamination.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-403 (Supp. 91-4).

R3-3-404. Regulated grower records

- A. A regulated grower, following an application of a restricted use pesticide to his crop by himself or any person in his employ, except a custom applicator, shall complete an application record on a form approved by the Commission.
- B. The form shall contain the following:
 1. Name of regulated grower,
 2. Name of the certified applicator who made the application and his certification number,
 3. Name and permit number of the person who sold the pesticide that was applied,
 4. Crop name and the number of acres that were treated with the pesticide,
 5. Name of the pesticide that was applied and its United States Environmental Protection Agency registration number,
 6. Rate per acre of active ingredient or formulation of pesticide applied,

7. Total volume of mix per acre,
 8. Date and time of the application,
 9. Method of application, and
 10. Location (by county, range, township, and section) of the field that received the application.
- C.** If an employee of the regulated grower is the private applicator, a copy of the private applicator record required pursuant to R3-3-402 shall fulfill the requirements of this rule.
- D.** Records required by this rule shall be retained by the grower for at least two years from the date of the application.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1).

Renumbered from R3-10-404 (Supp. 91-4).

ARTICLE 5. NONEXCLUSIVE LISTS OF SERIOUS, NONSERIOUS AND DE MINIMIS VIOLATIONS**R3-3-501. Serious violations**

A serious violation is the exposure of an individual to a highly toxic or restricted use pesticide in a concentration that causes acute oral or dermal or inhalation toxicity unless the individual is participating in the pesticide application and is wearing the protective clothing and equipment as required by the pesticide label.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-501 (Supp. 91-4).

R3-3-502. Nonserious violations**A. General violations:**

1. Negligently storing, dumping or leaving unattended any pesticide, or pesticide container or part thereof, at any place or under any condition where it presents a hazard to persons, animals or property.
2. Making a false statement or misrepresentation in an application for a permit, license or certification, or a permit, license or certification renewal.
3. Falsifying any records or reports required to be made by this Chapter.
4. Operating an aircraft or ground equipment in a faulty, careless or negligent manner during the application of a pesticide.
5. Applying or instructing another to apply or cause (unless the application is made pursuant to a government-sponsored control measure) the direct release of a pesticide spray, dust or granules such that it comes into contact with persons (other than those involved in the application who are wearing the proper protective clothing and equipment), animals or property other than the target crop being treated, or unknown trespassing persons, animals or property, unless such release is caused by accident, is done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release or is caused by mechanical malfunction beyond the control of the operator.
6. Using, applying or instructing another to apply a pesticide in a manner or for a use inconsistent with its product label or labeling except as otherwise provided by R3-3-301(A).

B. Violations relating to sellers:

1. Selling pesticides without a valid seller's permit issued by the Commission.
2. Providing a pesticide to a regulated grower who does not have a valid permit.
3. Not maintaining adequate sales records of restricted use pesticides required by this Chapter.
4. Providing a non-registered product to an unauthorized person.

5. Adulterating a pesticide.
6. Making false or misleading claims about a pesticide to any person.
7. Modifying a label or labeling without proper authorization.

C. Violations relating to agricultural pest control advisors:

1. Acting as an agricultural pest control advisor without a valid agricultural pest control license issued by the Commission.
2. Making a false or fraudulent statement in any written recommendation about the use of pesticides.
3. Making a recommendation regarding the use of a pesticide in a specific category in which the individual is not licensed.
4. Making a written recommendation for the use of a pesticide in a manner inconsistent with its product label or labeling except as provided in R3-3-301(A).

D. Violations relating to agricultural aircraft pilots:

1. Allowing an aircraft to be operated during the application of a pesticide by a person who does not have a valid agricultural aircraft pilot license issued by the Commission.
2. Applying a pesticide by aircraft without a valid agricultural aircraft pilot license issued by the Commission.

E. Violations relating to custom applicators:

1. Allowing ground equipment to be operated in a careless or reckless manner during the application of a pesticide.
2. Making a custom application without a valid custom applicator's license issued by the Commission.
3. Making a custom application of a restricted use pesticide without a valid commercial applicator certification issued by the Commission.

F. Violations relating to regulated growers:

1. Purchasing, applying or using a pesticide without a valid regulated grower's permit issued by the Commission.
2. Applying a restricted use pesticide without being a certified applicator.

G. Violations relating to certified applicators:

1. Allowing the unsupervised application of a restricted use pesticide.
2. Not maintaining adequate records required by this Chapter.
3. Not filing reports as required by this Chapter.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-502 (Supp. 91-4).

R3-3-503. De minimis violations**A. Violations relating to sellers:**

1. Not placing seller and regulated grower permit numbers on containers, cartons and delivery tickets.
2. Not registering their representatives.
3. Not maintaining adequate records required by this Chapter for general use pesticides.

B. Violations relating to agricultural pest control advisors:

1. Failing to put recommendations in writing.
2. Failing to provide complete information required on written recommendations.

C. Violations relating to custom applicators:

1. Not maintaining adequate records required by this Chapter.
2. Not filing reports as required by this Chapter.

D. Violations relating to regulated growers:

1. Not maintaining adequate records required by this Chapter.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-503 (Supp. 91-4).

R3-3-504. Mitigation of violations

- A. Violations listed in R3-3-501 are nonserious violations if the violator did not, and could not with the exercise of reasonable diligence, know of the safety or human health risk involved.
- B. Violations listed in R3-3-502 are de minimis violations if the violator did not, and could not with the exercise of reasonable diligence, know of the safety, health or property damage risk involved.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-504 (Supp. 91-4).

R3-3-505. Unlisted violations

Violations of this Chapter or of Title 3, Chapter 2, Article 6 of the Arizona Revised Statutes that are not listed in R3-3-501, R3-3-502 or R3-3-503 shall be classified as serious, nonserious or de minimis violations depending upon the specific factual circumstances surrounding the violation.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-505 (Supp. 91-4).

R3-3-506. Point system for administering penalties and fines

- A. The hearing officer shall assess points against a violator for the violation of each pesticide rule or statute, or the director shall compute points for the violation of each pesticide rule or statute upon entering into a negotiated settlement, in accordance with the following point system. One choice shall be selected, unless otherwise specified, from each of paragraphs (1) through (6) based upon supporting evidence in the record of the proceeding before the hearing officer or director. For the purposes of this rule, "exposure" means the inhalation or ingestion of, or eye or skin contact with, pesticides. Points shall be totaled for the violation of each pesticide rule or statute.

1. Health effects.
 - a. No evidence of human exposure to pesticides. 0
 - b. Evidence of human exposure to pesticides but treatment not required by a physician, nurse, paramedic or physician's assistant. 5
 - c. Exposure to pesticides that required treatment by a physician, nurse, paramedic, or physician's assistant, but which did not result in pesticide intoxicification. 6-10
 - d. Exposure to pesticides that required either hospitalization for less than 12 hours or treatment as an outpatient for five consecutive days or less by a physician, nurse, paramedic or physician's assistant for pesticide intoxicification. 11-30
 - e. Exposure to pesticides that required either hospitalization for 12 hours or longer, or treatment as an outpatient for more than five consecutive days by physician, nurse, paramedic or physician's assistant for pesticide intoxicification. 31-60
 - f. Exposure to pesticides resulting in death from pesticide intoxicification. 100
2. Environmental consequences and property damage. (Select one or more as evidence indicates.)
 - a. No environmental or property damage. 0
 - b. Water source contamination. 1-10

- c. Soil contamination causing economic damage. 1-10
- d. Nontarget bird kills. 1-10
- e. Nontarget fish kills. 1-10
- f. Nontarget kills involving game or furbearing animals as defined by A.R.S. § 17-101(B). 1-10
- g. Any property damage (nonserious violation only pursuant to A.R.S. § 3-361(4)). 1-10
- h. Air contamination causing official evacuation by federal, state, or local authorities. 1-10
- i. Killing one or more threatened or endangered species. 1-10
- j. Killing one or more domestic animals. 1-10
3. Culpability.
 - a. Unknowingly, i.e., reasonably could not know or was without any knowledge of the prohibitions or restrictions which are the basis of the misconduct cited. 0
 - b. Knowing, i.e., knew or reasonable should have known by reasonable diligence of the prohibitions or restrictions which are the basis of the misconduct cited. 1-10
 - c. Willfully, i.e., actual knowledge of the prohibitions or restrictions but engages in misconduct, or alternatively, intentionally, or due to unjustifiable negligence fails to be informed of prohibitions or restrictions governing cited misconduct. 20-50
4. Prior violations or citations. Violations or citations within three years from the date of the completion of the hearing or negotiated settlement. (Select one or more as evidence indicates.)
 - a. None. 0
 - b. One or more prior de minimis violations. 5
 - c. One prior nonserious or serious violation. 10
 - d. One of the same or substantially similar nonserious or serious violation. 20
 - e. Two prior nonserious or serious violations. 30
 - f. Two of same or substantially similar nonserious or serious violations. 40
 - g. Three prior nonserious or serious violations. 60
 - h. Three of same or substantially similar nonserious or serious violations. 70
 - i. Any additional same or substantially similar nonserious or serious violations (points per violation). 10
5. The length of time a violation has been allowed to continue by the violator after notification by the Commission.
 - a. Less than one day. 0
 - b. One day but less than one week. 1-10
 - c. One week but less than one month. 11-20
 - d. One month but less than two months. 21-30
 - e. Two months or more. 31-40
6. Wrongfulness of conduct.
 - a. Minimal, i.e., conduct resulting in a violation that does not cause any immediate damage to public health, safety or property. 1-5
 - b. Substantial, i.e., conduct resulting in a violation that the evidence establishes may have or has had an immediate effect upon public health, safety or property, but such effect is less severe than that

- resulting from aggravated conduct.
- c. Aggravated, i.e., conduct causing the substantial probability of or resulting in serious physical injury, hospitalization, or sustained medical treatment for an individual or, additionally, degrading the pre-existing environmental quality of the air, water, or soil so as to cause a substantial probability of a threat to the public health, safety or property.

B. The hearing officer, after determining points pursuant to R3-3-506(A) shall assess a fine or penalty, or fine and penalty, for each violation in accordance with the following schedules: (For the purposes of this rule, the terms of suspension and revocation pertain to actions taken on permits, licenses or certifications pursuant to R3-3-615.)

1. Nonserious violation as defined under A.R.S. § 3-361.
 - a. 53 points or less. A fine of \$1 to \$150; a penalty of 1 to 3 months' probation, with a condition of violating probation being 1 to 3 hours of continuing education.
 - b. 54 to 107 points. A fine of \$151 to \$300; a penalty of 4 to 6 months' probation with a condition of violating probation being 1 to 10 days' suspension.
 - c. 108 points or more. A fine of \$301 to \$500; a penalty of 7 to 12 months probation with a condition of violating probation being 15 days to 30 days' suspension or revocation for a period of up to 1 year.
2. Serious violation is defined under A.R.S. § 3-361.
 - a. 46 points or less. A fine of \$1,000 to \$2,000; a penalty of 1 to 3 months' probation with a condition of violating probation being 5 to 10 days' suspension for a nonserious violation or 15 to 30 days' suspension for a serious violation.
 - b. 47 to 93 points. A fine of \$2,001 to \$5,000; a penalty of 4 to 6 months' probation with a condition of violating probation being 15 to 30 days' suspension for a nonserious violation and 31 to 90 days' suspension for a serious violation.
 - c. 94 points or more. A fine of \$5,001 to \$10,000; a penalty of probation for 7 to 12 months with a condition of violating probation being 2 to 4 months' suspension for a nonserious violation and 4 to 12 months' suspension for a serious violation, or revocation for the remainder of the license year and an additional period of 1 to 3 years.
3. A de minimis violation shall not be considered a violation of probation.

Historical Note

Adopted effective September 13, 1989 (Supp. 89-3).
Renumbered from R3-10-506 (Supp. 91-4).

ARTICLE 6. REPEALED

R3-3-601. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-601 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-602. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-602 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-603. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-603 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-604. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-604 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-605. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-605 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-606. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-606 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-607. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-607 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-608. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-608 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-609. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-609 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-610. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-610 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-611. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-611 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-612. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-612 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-613. Repealed

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-613 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-614. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-614 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-615. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-615 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-616. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-616 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-617. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-617 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

ARTICLE 7. PESTICIDE**R3-3-701. General provisions of technical rules and regulations****A. Definitions**

1. "Pesticide". A substance or preparation is or is not a pesticide depending upon the purpose for which it is intended and the determination of this intent is very important and for all general purposes it will be the deciding factor in declaring a product a pesticide. Intent for use as a pesticide may be established by:
 - a. Claims for usefulness or directions for pesticide uses on any of the labeling accompanying an article.
 - b. Claims or recommendations for pesticide uses through any public advertising.
 - c. Claims for pesticide uses either oral or written by a representative of the manufacturer, wholesaler, or distributor of an article.

B. Prohibited acts

1. The delivery of a pesticide to the property of each user, as required by A.R.S. § 3-352(A)(2), shall be in unbroken containers not exceeding 55 gallons (210 liters) each for liquid pesticides, or 110 pounds (50 kilograms) each for non-liquid pesticides. This requirement shall not apply in those instances where:
 - a. Pesticides are used by structural pest control applicators pursuant to R3-3-701(B)(2) of this Article, or
 - b. Pesticides are containerized in amounts greater than 55 gallons or 110 pounds for distribution in bulk to a licensed applicator of agricultural pesticides for use on the property of more than one user.
2. Persons when acting as structural pest control applicators, that is, persons dealing in services which include the application of pesticides, are exempt from provisions of R3-3-701(B)(1) above.
3. No person shall purchase pesticides for the purpose of repackaging the pesticide for distribution and sale without relabeling the containers so packaged and further complying with the provisions of the Act.
4. All pesticides shall be prominently labeled and in a manner that can be easily read and understood and must include all the information required by the Act as it applies to that particular pesticide.

- C. Declaration of pests. The State Chemist declares the following to be pests: All birds, mammals, reptiles, amphibians, fishes, slugs, snails, crayfish, roots and plant parts.
- D. Cancellation of registration to protect the public. If a registrant voluntarily cancels the registration of a pesticide to protect the public, unless otherwise prohibited by law, existing stocks of material may be distributed, but in no instance may the pesticide be distributed beyond one year following voluntary cancellation.

Historical Note

Former rule 1; Former Section R3-3-01 repealed, new Section R3-3-01 adopted effective January 18, 1978 (Supp. 78-1). Amended effective December 29, 1978 (Supp. 78-6). Section R3-3-701 renumbered from R3-3-01 (Supp. 91-4).

R3-3-702. Repealed**Historical Note**

Former rule II; Former Section R3-3-02 renumbered and amended as Section R3-3-01, former Sections R3-3-11 and R3-3-12 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Amended subsection (C) effective January 1, 1979, subsection (D) effective January 1, 1982 (Supp. 78-6). Editorial corrections, subsection (B), paragraphs (6) through (9) (Supp. 79-6). Amended by deleting subsection (D) effective March 5, 1982 (Supp. 82-2). Section R3-3-702 renumbered from R3-3-02 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-703. Renumbered**Historical Note**

Section R3-3-703 renumbered from R3-3-03 (Supp. 91-4).

R3-3-704. Renumbered**Historical Note**

Former rule IV; Former Section R3-3-04 renumbered and amended as Section R3-3-01 effective January 18, 1978 (Supp. 78-1). Section R3-3-704 renumbered from R3-3-04 (Supp. 91-4).

R3-3-705. Renumbered**Historical Note**

Former rule V; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-705 renumbered from R3-3-05 (Supp. 91-4).

R3-3-706. Renumbered**Historical Note**

Former rule VI; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-706 renumbered from R3-3-06 (Supp. 91-4).

R3-3-707. Renumbered**Historical Note**

Section R3-3-707 renumbered from R3-3-07 (Supp. 91-4).

R3-3-708. Renumbered**Historical Note**

Former rule VIII; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-708 renumbered from R3-3-08 (Supp. 91-4).

R3-3-709. Renumbered**Historical Note**

Former Administrative rule 1; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-709 renumbered from R3-3-09 (Supp. 91-4).

R3-3-710. Renumbered**Historical Note**

Section R3-3-710 renumbered from R3-3-10 (Supp. 91-4).

R3-3-711. Renumbered**Historical Note**

Adopted effective November 30, 1977 (Supp. 77-6). Former Section R3-3-11 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Section R3-3-711 renumbered from R3-3-11 (Supp. 91-4).

R3-3-712. Renumbered**Historical Note**

Adopted effective November 30, 1977 (Supp. 77-6). Former Section R3-3-12 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Section R3-3-712 renumbered from R3-3-12 (Supp. 91-4).

ARTICLE 8. FERTILIZER MATERIALS**R3-3-801. Labeling**

- A. The grade numerals which accompany the brand name of a commercial fertilizer shall be in the order of total nitrogen, available phosphoric acid and soluble potash. Numerals representing other guaranteed constituents in the commercial fertilizer shall not be included with the grade numerals unless they follow the grade numerals and are immediately preceded with the name of the substance to which they refer in the guaranteed analysis, and said name to be printed in such manner to be as prominent as the numerals used.
- B. The materials from which claimed nutrients are derived must be listed on the label. All labels must meet this requirement by no later than December 31, 1978.
- C. A grade is not required for fertilizer materials which claim no primary nutrient (i.e. 0-0-0 not required). No grade is required for fertilizer materials which claim only one primary nutrient derived from a single compound. In all cases, the claim of a nutrient requires a guarantee.

Historical Note

Former rule I; Former Section R3-3-21 repealed, former Section R3-3-24 renumbered and amended as Section R3-3-21 effective January 12, 1978 (Supp. 78-1). Amended effective March 23, 1979 (Supp. 79-2). Section R3-3-801 renumbered from R3-3-21 (Supp. 91-4).

R3-3-802. Chemical analysis

All nutrients with the exception of phosphoric acid and potash, if guaranteed, shall be stated in terms of the elements.

Historical Note

Former rule II; Former Section R3-3-22 repealed, former Section R3-3-25 renumbered and amended as Section R3-3-22 effective January 12, 1978 (Supp. 78-1). Section R3-3-802 renumbered from R3-3-22 (Supp. 91-4).

R3-3-803. Repealed**Historical Note**

Former rule III; Former Section R3-3-23 repealed, former

Section R3-3-32 renumbered as Section R3-3-23 effective January 12, 1978 (Supp. 78-1). Amended effective March 23, 1979 (Supp. 79-2). Section R3-3-803 renumbered from R3-3-23 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-804. Repealed**Historical Note**

Former rule IV; Former Section R3-3-24 renumbered and amended as Section R3-3-21, new Section R3-3-24 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-804 renumbered from R3-3-24 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-805. Annual tonnage report and inspection fee

The person responsible for reporting distribution of fertilizer materials and paying the fee may estimate the annual distribution and submit, no later than the last day of February, a report of the estimated tonnage for the calendar year together with the inspection fee based upon the estimated tonnage. In subsequent years, adjustments may be made for overestimates or underestimates.

Historical Note

Former rule V; Former Section R3-3-25 renumbered and amended as Section R3-3-22, new Section R3-3-25 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-805 renumbered from R3-3-25 (Supp. 91-4).

R3-3-806. Value of deficiency

The value of a deficiency in a fertilizer material shall take into account total value of all constituents at their guaranteed level and the price of the fertilizer material at the time of sale.

Historical Note

Former rule VI; Former Section R3-3-26 repealed, new Section R3-3-26 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-806 renumbered from R3-3-26 (Supp. 91-4).

R3-3-807. Investigational allowances

For the purpose of enforcement of Section 3-276 of the Act, the investigational allowances shall be those published by the Association of American Plant Food Control Officials, "(official publication, Association of American Plant Food Control Officials, 1976. Copies available from: W. L. Baker, University of Missouri, Columbia, Missouri 65201)".

Historical Note

Former rule VII; Former Section R3-3-27 repealed, new Section R3-3-27 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-807 renumbered from R3-3-27 (Supp. 91-4).

R3-3-808. Definitions

The definitions of terms of the Association of American Plant Food Control Officials (1976-77 Official Publication) apply to all terms used in labels or claims for fertilizer materials.

Historical Note

Former rule VIII; Former Section R3-3-28 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-28 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-808 renumbered from R3-3-28 (Supp. 91-4).

R3-3-809. Claims and misleading statements

- A. Any constituent claimed in a fertilizer material must be accompanied by a minimum guarantee for such constituent. In no case may a constituent be claimed unless there exists for such constituent a laboratory method of analysis approved by the State Chemist.

- B.** Where claims of improved efficacy or increased productivity are made for fertilizer materials, sound scientific data supporting such claims must be made available to the State Chemist upon request.

Historical Note

Former rule IX; Former Section R3-3-29 repealed effective January 12, 1978 (Supp. 1). New Section R3-3-29 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-809 renumbered from R3-3-29 (Supp. 91-4).

R3-3-810. Leased containers

Where fertilizer material storage containers are leased, such containers shall be clearly stenciled: "Leased by Enter name and address of lessor to Enter name and address of lessee".

Historical Note

Former rule X; Former Section R3-3-30 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-30 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-810 renumbered from R3-3-30 (Supp. 91-4).

R3-3-811. Amount of inspection fee

On and after January 1, 1980, inspection fee paid for all commercial fertilizers offered for sale, or otherwise distributed in Arizona, as provided for in A.R.S. § 3-268 shall be at the rate of 25¢ per ton.

Historical Note

Former Administrative rule 1; Amended effective December 14, 1979 (Supp. 79-6). Section R3-3-811 renumbered from R3-3-31 (Supp. 91-4).

R3-3-812. Renumbered

Historical Note

Adopted effective August 31, 1977 (Supp. 77-4). Former Section R3-3-32 renumbered as Section R3-3-23 effective January 12, 1978 (Supp. 78-1). Section R3-3-812 renumbered from R3-3-32 (Supp. 91-4).

ARTICLE 9. COMMERCIAL FEED

R3-3-901. Definitions and terms

- A.** The names and definitions for commercial feeds shall be the official definition of feed ingredients adopted by the Association of American Feed Control Officials and contained in the current official publication Association of American Feed Control Officials except as the State Chemist designates otherwise in specific cases.
- B.** The terms used in reference to commercial feeds shall be the official feed terms adopted by the Association of American Feed Control Officials and contained in the current official publication Association of American Feed Control Officials except as the State Chemist designates otherwise in specific cases.
- C.** The following commodities are hereby declared exempt from the definitions of commercial feed, under the provisions of Section 24-903 of the Act: Hay and straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials, provided that these commodities are not adulterated within the meaning of Section 24-913 of the Act.
- D.** A copy of the current official publication of the Association of American Feed Control Officials shall be filed by the State Chemist with the Office of the Secretary of State.

Historical Note

Former rule I; Former Section R3-3-41 renumbered and amended as Section R3-3-42, new Section R3-3-41 adopted effective January 12, 1978 (Supp. 78-1). Amended effective April 13, 1978 (Supp. 78-2).

Amended effective February 3, 1981 (Supp. 81-1). Section R3-3-901 renumbered from R3-3-41 (Supp. 91-4).

R3-3-902. Brand names

The brand or product name must be appropriate for the intended use of the feed and must not be misleading.

Historical Note

Former rule II; Former Section R3-3-42 renumbered and amended as Section R3-3-43, former Section R3-3-41 renumbered and amended as Section R3-3-42 effective January 12, 1978 (Supp. 78-1). Section R3-3-902 renumbered from R3-3-42 (Supp. 91-4).

R3-3-903. Expression of guarantees

The expression of guarantees shall be the official expression of guarantees adopted by the Association of American Feed Control Officials and contained in the official publication Association of American Feed Control Officials except as the State Chemist designates otherwise in specific cases.

Historical Note

Former rule III; Former Section R3-3-43 renumbered and amended as Section R3-3-44, former Section R3-3-42 renumbered and amended as Section R3-3-43 effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Section R3-3-903 renumbered from R3-3-43 (Supp. 91-4).

R3-3-904. Ingredient statement

- A.** The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the official definitions of feed ingredients as published in the 1984 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the State Chemist.
- B.** All commercial feed and customer-formula feed containing cottonseed or cottonseed products shall list such ingredients in the ingredient statement. Such required listing must be in addition to collective terms already present on the label.

Historical Note

Former rule IV; Former Section R3-3-44 repealed, former Section R3-3-43 renumbered and amended as Section R3-3-44 effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-904 renumbered from R3-3-44 (Supp. 91-4).

R3-3-905. Label format

The label format shall conform to the official label format adopted by the Association of American Feed Control Officials and contained in the 1984 Official Publication of the Association of American Feed Control Officials.

Historical Note

Former rule V; Former Section R3-3-45 repealed, new Section R3-3-45 adopted effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-905 renumbered from R3-3-45 (Supp. 91-4).

R3-3-906. Non-protein nitrogen

- A.** Urea and other non-protein nitrogen products, as defined in the 1984 Official Publication of the Association of American Feed Control Officials, are acceptable ingredients in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or if the equivalent crude protein from all

forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement:

“Caution: Use as Directed”

The directions for use and the caution statement shall be in type of such size and so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

- B. Non-protein nitrogen products, as defined in the 1984 Official Publication of the Association of American Feed Control Officials, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.
- C. On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements as required by all applicable regulations contained in the Code of Federal Regulations, Title 21, revised April 1, 1983, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Historical Note

Former rule VI; Former Section R3-3-46 repealed, new Section R3-3-46 adopted effective January 12, 1978 (Supp. 78-1). Amended effective January 29, 1979 (Supp. 79-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-906 renumbered from R3-3-46 (Supp. 91-4).

R3-3-907. Repealed

Historical Note

Former rule VII; Former Section R3-3-47 repealed, former Section R3-3-54 renumbered as Section R3-3-47 effective January 12, 1978 (Supp. 78-1). Amended by adding subsection (F) effective July 20, 1984 (Supp. 84-4). Section R3-3-907 renumbered from R3-3-47 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-908. Repealed

Historical Note

Former rule VIII; Former Section R3-3-48 repealed, new Section R3-3-48 adopted effective January 12, 1978 (Supp. 78-1). Amended for spelling correction, subsection (E), effective January 29, 1979 (Supp. 79-1). Amended by adding subsection (J) effective July 20, 1984 (Supp. 84-4). Section R3-3-908 renumbered from R3-3-48 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-909. Directions for use and precautionary statements

- A. Directions for use and precautionary statements on the labeling of all whole cottonseed, commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:
 1. Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and
 2. Include, but not be limited to, all information prescribed by all applicable regulations contained in the Code of Federal Regulations, Title 21, revised April 1, 1983.

- B. Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in R3-3-906.

- C. Adequate directions for use and precautionary statements necessary for safe and effective use, as prescribed by all applicable regulations contained in the Code of Federal Regulations, Title 21, revised April 1, 1983, are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

- D. All whole cottonseed or cottonseed product which is delivered to an ultimate consumer must be accompanied by an accurate label, invoice, weight ticket or other documentation approved by the State Chemist. Such documentation must be left with the consumer and must contain one of the following statements:

1. This feed contains 20 or less ppb aflatoxin and may be fed to any animal.
2. WARNING: This feed contains more than 20 ppb but not more than 300 ppb aflatoxin and shall not be fed to lactating animals whose milk is intended for human consumption.

- E. Any person taking possession of a lot of cottonseed or cottonseed product which is intended for further processing, for planting seed or for other special purposes approved by the State Chemist and which is not intended for use as animal feed until tested and brought into full compliance with all state rules and regulations may certify in writing that he does not require the documentation set forth in subsection (D) above. Such certification must be kept on file for a period of one year by the distributor and shall be submitted to the State Chemist or his representative upon request. Such material must, however, be labeled with the following statement:

WARNING: This material has not been tested for aflatoxin and shall not be distributed for feed or fed to any animal until tested and brought into full compliance with all state rules and regulations.

- F. All commercial feed or customer-formula feed delivered to a consumer must be accompanied by an accurate label, invoice, weight ticket or other documentation approved by the State Chemist. Such documentation must be left with the consumer and must contain the following statement if it contains more than 20 ppb aflatoxin:

WARNING: This feed contains more than 20 ppb but not more than 300 ppb aflatoxin and shall not be fed to lactating animals whose milk is intended for human consumption. All commercial feed or customer-formula feed not so labeled must contain 20 or less ppb aflatoxin.

Historical Note

Former rule IX; Former Section R3-3-49 repealed, new Section R3-3-49 adopted effective Jan. 12, 1978 (Supp. 78-1). Amended by adding subsection (D) effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-909 renumbered from R3-3-49 (Supp. 91-4).

R3-3-910. Drug and feed additives

- A. Prior to approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.
- B. Satisfactory evidence of safety and efficacy of a commercial feed may be:

1. When the commercial feed contains such additives, the use of which conforms to the requirements of all applicable regulations contained in the Code of Federal Regulations, Title 21, revised April 1, 1983, or
2. When the commercial feed is itself a drug and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under 21 U.S.C. 512, as amended January 1980.

Historical Note

Former rule X; Former Section R3-3-50 repealed, new Section 3-3-50 adopted effective January 12, 1978 (Supp. 78- 1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-910 renumbered from R3-3-50 (Supp. 91-4).

R3-3-911. Good manufacturing practices

For the purposes of enforcement of Section 24-913 of the Act, the State Chemist adopts the following as current good manufacturing practices:

1. The regulations prescribing good manufacturing practices for medicated feeds as published in 21 CFR 225, as revised April 1, 1983.
2. The regulations prescribing good manufacturing practices for medicated premises as published in 21 CFR 226, as revised April 1, 1983.

Historical Note

Former rule XI: Former Section R3-3-51 repealed, new Section R3-3-51 adopted effective January 12, 1978 (Supp. 78- 1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-911 renumbered from R3-3-51 (Supp. 91-4).

R3-3-912. Annual tonnage report and inspection fee

The person responsible for reporting distribution of commercial feed and paying the fee may estimate the annual distribution and submit, no later than the last day of February, a report of the estimated tonnage for the calendar year together with the inspection fee based upon the estimated tonnage. In subsequent years, adjustment may be made for overestimates or underestimates.

Historical Note

Former rule XII: Former Section R3-3-52 repealed. New Section R3-3-52 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-912 renumbered from R3-3-52 (Supp. 91-4).

R3-3-913. Methods of sampling commercial feed

A. Definitions

1. "Commercial feed" means all materials, except whole seeds unmixed or physically altered entire unmixed

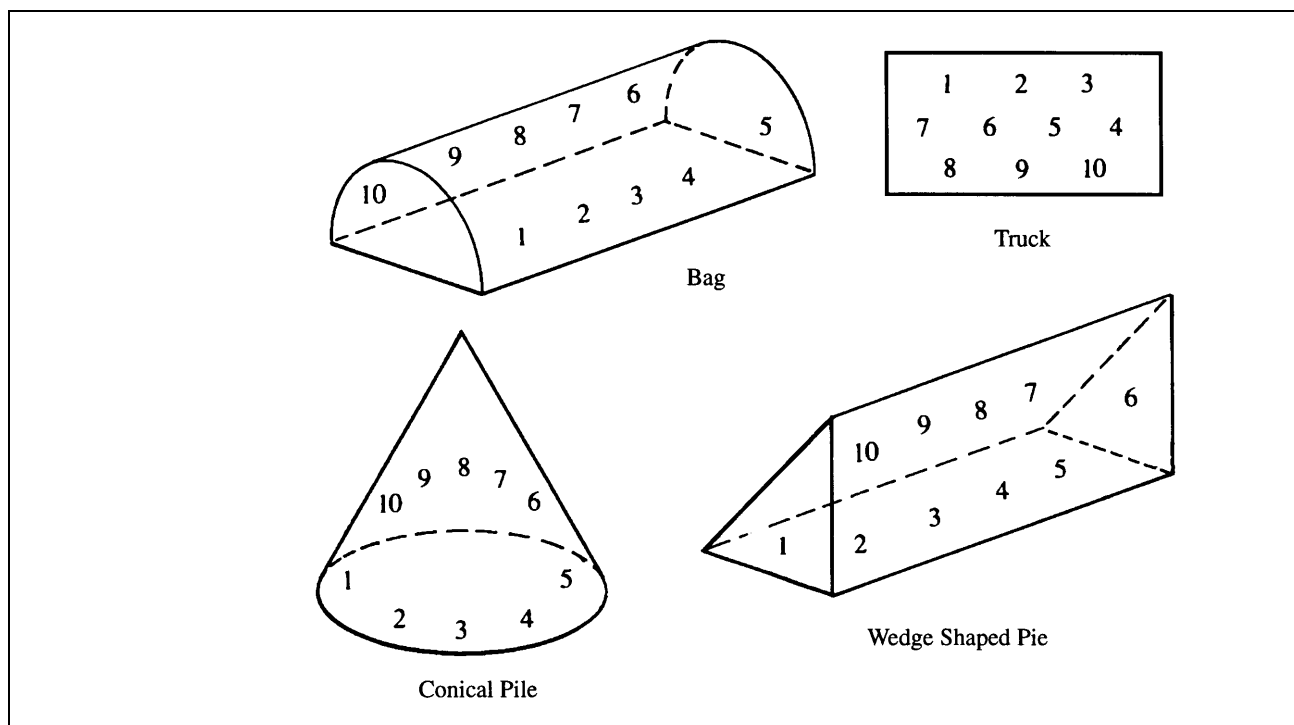
seeds, which are distributed for use as feed or for mixing in feed. "Commercial feed" includes raw agricultural commodities distributed for use as feed or for mixing in feed when such commodities are adulterated within the meaning of Section 24-913 of the Commercial Feed Law.

2. "Lot" means any distinct, describable and measurable configuration which contains no more than 100 tons. The State Chemist may, after review of sufficient scientific data documenting that samples can be obtained which are representative of the lot, issue specific exemptions to allow a lot size of more than 100 tons.

B. Methods of sampling commercial feed. Methods of sampling commercial feed shall be those methods adopted by the State Chemist and which are in accordance with procedures outlined in the publication entitled "Official Methods of Analysis of the Association of Official Analytical Chemists", 13th Edition, 1980, a copy of which is on file with the Secretary of State.

C. Method of sampling whole cottonseed

1. Sample size - A gross sample of not less than 30 pounds shall be taken from a lot. A gross sample shall consist of not less than ten probes evenly spaced or ten stream sample passes taken following the procedure outlined in subsection (C)(4)(b) of this regulation.
2. Sample container - The sample container shall consist of clean cloth, burlap, paper or plastic mesh bags. All samples must be delivered to the laboratory within 48 hours (excluding weekends and holidays), stored in a dry, well aerated location and all analyses performed and reported within five working days from receipt of sample.
3. Sampling equipment
 - a. Scale, graduated in 1/2 pound increments.
 - b. Trier, approximately 50 inches in length and capable of taking at least a 3-pound sample.
 - c. Pneumatic probe sampler such as the "Probe-a-Vac" pneumatic swupler.
 - d. Stream sampler similar to the following: A container approximately 8 inches x 5 inches x 5 1/2 inches attached to a pole long enough to enable the sampler to pass the container through falling streams of cottonseed.
 - e. Automatic stream samplers or other sampling equipment provided sufficient scientific data documenting their ability to obtain a representative sample is made available and found acceptable by the State Chemist.
4. Sampling procedure
 - a. All lots will be sampled by taking at least ten equally spaced probes. All probed samples will be taken according to the following patterns:



All probes must penetrate to a minimum depth of 50 inches. Not less than two of the ten probes per sample must reach the bottom of the lot being sampled. The probe shall be inserted at an angle perpendicular to the face of the lot.

- Stream samples shall be taken while the material is being discharged, provided there is a uniform discharge flow over a set period of time. The sample shall take not less than ten evenly timed and spaced passes through the discharge flow, resulting in the proper sample size.
- The entire gross sample shall be weighed to the nearest 1/2 pound. In no case shall the gross sample be reduced in size. If any gross sample does not meet the minimum 30 pound weight that gross sample must be discarded and the procedure repeated from the beginning.
- Modifications to the sampling procedure above may be made provided sufficient scientific data documenting that a representative sample will be obtained by such a change is made available and found acceptable by the State Chemist.

Historical Note

Former Administrative Rule 1. Former Section R3-3-53 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-53 adopted as an emergency effective October 10, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Amended as an emergency effective October 11, 1978, pursuant to A. R. S. § 41-1003, valid for only 90 days (Supp. 78-5). New Section R3-3-53 adopted effective February 3, 1981 (Supp. 91-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-913 renumbered from R3-3-53 (Supp. 91-4). Patterns omitted in Supp. 98-4 under subsection (C)(4)(a) have been corrected to reflect filed rules (Supp. 99-1).

R3-3-914. Methods of analyzing commercial feed

A. Definitions

- "Aflatoxin" is defined as the sum of concentrations of all specific aflatoxins identified in the testing.
- "AOAC" is defined as Association of Official Analytical Chemists.
- "Commercial feed" means all materials, except whole seeds unmixed or physically altered entire unmixed seeds, which are distributed for use as feed or for mixing in feed. "Commercial feed" includes raw agricultural commodities distributed for use as feed or for mixing, in feed when such commodities are adulterated within the meaning of Section 24-913 of the Commercial Feed Law.
- "JAOAC" is defined as the Journal of the Association of Official Analytical Chemists.

B. Methods of analysis. Methods of analyzing commercial feeds shall be in accordance with procedures outlined in the publications entitled "Official Methods of Analysis of the Association of Official Analytical Chemists", 13th Edition, 1980, and the JAOAC, Vol. 63, No. 2, 1980, Vol. 64, No. 2, 1981, Vol. 65, No. 2, 1982, and Vol. 66, No. 2, 1983, copies of which are on file with the Secretary of State.

C. Methods of analysis for whole cottonseed

- Sample preparation
 - High moisture ammoniated or other wet samples shall be dried within 24 hours of receipt by the laboratory at a temperature not more than 140° F. until it has dried sufficiently to be dehulled. If the sample cannot be dried within 24 hours, it must be maintained at 16° C. or less until it can be dried according to the procedure above.
 - Dehull the entire sample by passing through a mill or decorticator to crack at least 99% of the hulls.
 - Separate the meats from the hulls by sieve, shaker, scalper or beater.

- d. The entire sample of meats are to be ground to pass a 20-mesh screen.
 - e. The ground meats are to be blended in a double cone or twin shell blender or small drum type mixer for a minimum of 15 minutes.
 - f. The laboratory sample of approximately 500 grams is drawn by passing ground meats through a divider system such as a boemer or riffler.
 - g. Draw an analytical sample of approximately 50 grams by dividing the laboratory sample with a riffler.
 - h. The retained portion (approximately 450 grams) of the sample is to be kept refrigerated at a temperature of 16° C. or less for not less than 60 days.
 - i. Other equipment may be employed in place of the requirements in subparagraphs (b) thru (h) above provided sufficient scientific data documenting that it is capable of performing equal or better than existing approved equipment is made available and found acceptable by the State Chemist.
2. Sample analysis
- a. Determination of aflatoxin in cottonseed is to be done according to Sections 26.052-26.060, AOAC, 13th Edition, 1980, and the JAOAC, Vol. 63, No. 2, 1980, Vol. 64, No. 2, 1981, Vol. 65, No. 2, 1982, and Vol. 66, No. 2, 1983. Modifications allowed are:
 - i. Liquid partitioning of the aflatoxin into chloroform.
 - ii. For thin layer chromatography, the use of a tank solvent of formic acid, ethyl acetate and toluene (1 + 3 + 6).
 - b. Confirmation procedures are to be done by Sections 26.076-26.082, or 26.083 of AOAC, 13th Edition, 1980, and the JAOAC, Vol. 63, No. 2, 1980, Vol. 64, No. 2, 1981, Vol. 65, No. 2, 1982, and Vol. 66, No. 2, 1983.
3. Method of reporting
- a. To calculate the amount of aflatoxin in the dried whole seed use the following formula: .5 x total ppb found = ppb in dried whole seed. For Pima variety or delinted seed the total ppb found = ppb in dried whole seed.
 - b. Determination of pass/fail samples
 - i. An initial single sample will be run and if the results are 20 ppb or less on a 20 ppb level, or 300 ppb or less on a 300 ppb level, it shall be considered a passed sample.
 - ii. If the results of a single sample are greater than 20 ppb or 300 ppb on a 20 ppb or 300 ppb level respectively, the sample shall be rerun in duplicate. If the average of all three samples is over 20 ppb on a 20 ppb level or 300 ppb on a 300 ppb level, it shall be considered to not pass.

Historical Note

Adopted effective August 31, 1977 (Supp. 77-4). Former Section R3-3-54 renumbered as Section R3-3-47 effective January 12, 1978 (Supp. 78-1). New Section R3-3-54 adopted as an emergency effective October 10, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). New Section R3-3-54 adopted effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-914 renumbered from R3-3-54 (Supp. 91-4).

R3-3-915. Amount of inspection fee

On and after January 1, 1980, the inspection fee paid for all commercial feeds offered for sale or otherwise distributed in Arizona, as provided for in A.R.S. § 24-907(B) shall be at the rate of 25¢ per ton.

Historical Note

Adopted effective December 14, 1979 (Supp. 79-6). Section R3-3-915 renumbered from R3-3-55 (Supp. 91-4).

R3-3-916. License required to ammoniate

Pursuant to the licensing requirements in A.R.S. § 24-911, any person who ammoniates feed or feed material is required to obtain a commercial feed license and is responsible for all testing, labeling or other state rules or regulations pertaining to commercial feeds. The inspection fee, as required in A.R.S. § 24-907, must be paid unless the feed is ammoniated on the premises of the consumer.

Historical Note

Adopted effective July 20, 1994 (Supp. 84-4). Section R3-3-916 renumbered from R3-3-56 (Supp. 91-4).

ARTICLE 10. AGRICULTURAL SAFETY**R3-3-1001. Definitions**

In addition to the definitions set forth in A.R.S. § 3-3101 the following terms apply to this Article:

1. "Agricultural emergency" means a sudden occurrence or set of circumstances that:
 - a. An agricultural employer could not have anticipated and over which the agricultural employer has no control,
 - b. Requires entry into a treated area during a restricted-entry interval, and
 - c. No alternative practices would prevent or mitigate a substantial economic loss.
2. "Agricultural employer" means any person, including a farm labor contractor, who hires or contracts for the services of workers for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of, or is responsible for, the management or condition of an agricultural establishment that uses agricultural workers.
3. "Agricultural establishment" means any farm, forest, nursery, or greenhouse using pesticide products that are required by label to be used in accordance with the federal worker protection standards. An establishment is exempt from the requirements of this Article if the establishment uses only products that do not have a federal worker protection statement on the label.
4. "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes:
 - a. Food, feed, and fiber plants;
 - b. Trees;
 - c. Turfgrass;
 - f. Flowers, shrubs;
 - g. Ornamentals; and
 - h. Seedlings.
5. "Chemigation" means the application of pesticides through irrigation systems.
6. "Consultation" means an on-site visit by, or a response to an inquiry from, the Agricultural Consulting and Training program personnel, pursuant to A.R.S. § 3-109.01, to review agricultural practices and obtain documented non-regulatory advice to help ensure compliance with the issues addressed.
7. "*De minimis* violation" means a condition or practice which, although undesirable, has no direct or immediate relationship to safety or health (A.R.S. § 3-3101(2)).

8. "Early entry" means any worker or handler entering a treated area after a pesticide is applied to a location on the agricultural establishment and before the expiration of the restricted-entry interval.
9. "Farm labor contractor" means any person who hires or contracts for the services of workers for any type of compensation, to perform activities related to the production of agricultural plants, but does not own or is not responsible for, the management or condition of an agricultural establishment.
10. "Flagger" means a person who indicates an aircraft spray swath width from the ground.
11. "Gravity based penalty" means an unadjusted penalty calculated for each violation, or combined or grouped violations, by adding the gravity factor to the other penalty factors.
12. "Handler" means any person, including a self-employed person:
 - a. Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which this Article applies and who does any of the following:
 - i. Mixing, loading, transferring, or applying pesticides;
 - ii. Disposing of pesticides, or non-triple rinsed or equivalent pesticide containers;
 - iii. Handling open containers of pesticides;
 - iv. Acting as a flagger;
 - v. Cleaning, adjusting, handling, or repairing any part of mixing, loading, or application equipment that may contain pesticide residue;
 - vi. Assisting with the application of pesticides;
 - vii. Entering a greenhouse or other enclosed area after the pesticide application and before either the inhalation exposure level listed in the labeling is reached or any of the ventilation criteria in R3-3-1002 or in the labeling has been met to operate ventilation equipment, adjust or remove coverings used in fumigation, or monitor air levels.
 - viii. Entering a treated area outdoors after pesticide application of any soil fumigant to adjust or remove soil coverings.
 - ix. Performing tasks as a pest control advisor during any pesticide application.
 - b. The term handler does not include:
 - i. Any person who handles only pesticide containers that are emptied or cleaned according to pesticide product labeling instructions or, in the absence of labeling instructions, are triple-rinsed or its equivalent;
 - ii. Any person who handles only pesticide containers that are unopened; or
 - iii. Any person who repairs, cleans, or adjusts the pesticide application equipment at an equipment maintenance facility, after the equipment is decontaminated, and is not an employee of the handler employer.
13. "Handler employer" means any person who is self-employed as a handler or who employs a handler, for any type of compensation.
14. "Nonserious violation" means a condition or practice in a place of employment which does not constitute a serious violation but which violates a standard or rule and has a direct or immediate relationship to safety or health, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the condition or practice (A.R.S. § 3-3101(6)).
15. "Personal protective equipment" means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.
16. "Pest control advisor" means a crop advisor, as defined in 40 CFR 170, who assesses pest numbers or damage, pesticide distributions, or the status or requirements to sustain the agricultural plants. The term does not include a person who performs hand-labor tasks or handling activities.
17. "Pesticide" means:
 - (a) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
 - (b) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant (A.R.S. § 3-341(21)).
18. "Restricted-entry interval" means the time after the completion of a pesticide application during which entry into a treated area is restricted as indicated by the pesticide product label.
19. "Restricted use pesticide" means a pesticide classified as such by the United States Environmental Protection Agency (A.R.S. § 3-361(8)).
20. "Serious violation" means a condition or practice in a place of agricultural employment which violates a standard or rule or section 3-3104, subsection (A) and produces a substantial probability that death or serious physical harm could result, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of such condition or practice (A.R.S. § 3-3101(10)).
21. "Substantial economic loss" means a loss in yield greater than expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by an agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement is not considered in determining the loss.
22. "Treated area" means any area to which a pesticide is being directed or has been directed.
23. "Worker" means any person, including a self-employed person, who is employed for any type of compensation and who performs activities relating to the production of agricultural plants on an agricultural establishment. The requirements of this Article do not apply to any person employed by a commercial pesticide-handling establishment who performs tasks as a pest control advisor.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1001 renumbered from R3-8-201 (Supp. 91-4).

Amended effective March 3, 1995 (Supp. 95-1).

Amended effective October 8, 1998 (Supp. 98-4).

R3-3-1002. Worker Protection Standards

- A. Except 40 CFR 170.130 and 170.230, worker protection regulations shall be conducted as prescribed in 40 CFR 170, as amended June 26, 1996. This material is incorporated by reference, on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

- B.** When the provisions of 40 CFR 170 are inconsistent with this Article, the provisions of this Article shall apply.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1002 renumbered from R3-8-202 (Supp. 91-4). Section repealed, new Section adopted effective March 3, 1995 (Supp. 95-1). R3-3-1002 renumbered to R3-3-1003; new Section R3-3-1002 adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1003. Pesticide Safety Training

- A.** Any worker or handler who meets any of the following requirements is exempt from this Section:

1. A handler who is currently certified as an applicator of restricted use pesticides, under R3-3-207 or R3-3-208;
2. A worker who is currently certified as an applicator of restricted use pesticides, under R3-3-207 or R3-3-208, or who holds a current handler card;
3. A worker or handler certified as a trainer in accordance with this Section;
4. A worker or handler who is certified or licensed as a crop advisor by a program approved in writing by the Environmental Protection Agency or the Department.

- B.** Training verification.

1. Before a handler performs a handling task, the handler employer shall verify that each handler has received pesticide safety training during the last 3 years, excluding the month in which the training was completed. The agricultural employer shall verify that each worker has received pesticide safety training during the last 5 years before allowing a worker entry into the area:
 - a. To which a pesticide has been applied during the past 30 days, or
 - b. To which a restricted-entry interval for the pesticide has been in effect within the past 30 days.
2. The agricultural employer and the handler employer, or the designee, shall ensure that a worker or handler possesses a training verification card by visually examining the card. If the agricultural employer or the handler employer has no reasonable basis to believe that the worker or handler training verification card is invalid, that determination shall meet the requirement that the worker or handler has been trained.
3. A training verification card is valid if:
 - a. The handler or worker training verification card has been issued in accordance with this Section; or
 - b. The worker training was completed within 5 years of the verification card issuance, or the handler training was completed within 3 years of the verification card issuance, excluding the month in which the training was completed.

- C.** Pesticide Safety Information.

1. The agricultural employer shall provide the following pesticide safety information, in a manner that the employee can understand, to any worker who does not possess a training verification card before that worker enters an area on an agricultural establishment if, within the last 30 days a pesticide has been applied or a restricted-entry interval for the pesticide has been in effect:
 - a. Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications;
 - b. Workers may prevent pesticides from entering their bodies by:
 - i. Following directions or signs, or both, about keeping out of a treated or restricted area;

- ii. Washing before eating, drinking, chewing gum or using tobacco products, or using the toilet;
- iii. Wearing work clothing that protects the body from pesticide residue;
- iv. Washing or showering with soap and water, shampooing hair, and putting on clean clothing after work;
- v. Washing work clothes separately from other clothes before wearing;
- vi. Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body, and as soon as possible, showering, shampooing, and changing into clean clothes.

- c. Additional pesticide safety training shall be provided before the 6th day of entry into a pesticide treated area.

2. The agricultural employer shall verify compliance by using the employee's signature or other verifiable means to acknowledge receipt of the information required in subsection (C)(1):

D. Pesticide Safety Training.

1. The agricultural employer shall provide pesticide safety training to a worker before:
 - a. That worker enters a treated area on an agricultural establishment during a restricted-entry interval to perform early-entry activities;
 - b. The 6th day that the worker enters an area on the agricultural establishment if a pesticide has been applied within the past 30 days, or a restricted-entry interval for the pesticide has been in effect within the past 30 days.
2. The pesticide safety training program shall be in a language easily understood by the workers or handlers, using a translator if necessary.
 - a. General pesticide safety information presented either orally from written materials, or audiovisually, shall contain nontechnical terms that the handlers and workers can understand. The trainer also shall respond to handlers' and workers' questions.
 - b. Information shall relate solely to pesticide safety training.
 - c. Specific pesticide safety training information including:
 - i. Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and increased sensitivity;
 - ii. Routes by which pesticides can enter the body;
 - iii. Signs and symptoms of common types of pesticide poisoning;
 - iv. Emergency first aid for pesticide injuries or poisonings;
 - v. How to obtain emergency medical care;
 - vi. Routine and emergency body decontamination procedures, including emergency eyeflushing techniques;
 - vii. Warnings about taking pesticides or pesticide containers home.
 - viii. How violations may be reported to the Department.
 - d. In addition to the information in subsection (D)(2)(c), the pesticide safety training program for the worker shall include the following:
 - i. Where and in what form pesticides may be encountered during work activities;
 - ii. Hazards from chemigation and drift;

- iii. Hazards from pesticide residue on clothing;
- iv. Requirements of this Article designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, posting of warning signs, oral warning, the availability of specific information about applications, protection against retaliatory acts, and the design of the following warning sign.



- e. In addition to the information in subsection (D)(2)(c), the pesticide safety training program for the handler shall include the following:
 - i. Format and explanation of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards;
 - ii. Need for and appropriate use of personal protective equipment;
 - iii. Prevention, recognition, and first aid treatment of heat-related illness;
 - iv. Safety requirements of handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup;
 - v. Environmental impact of drift, runoff, and potential impacts on wildlife;
 - vi. Requirements of this Article that shall be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and protection against retaliatory acts.
 - f. Upon the successful completion of training, the trainer shall issue a training verification card, as prescribed by the Department, to each handler or worker and shall maintain a record in indelible ink containing the following information:
 - i. The name and signature of the trained worker or handler;
 - ii. The training verification card number;
 - iii. The issue and expiration date of the training verification card;
 - iv. The social security number or the unique trainer-assigned identification number of the worker or handler;
 - v. The name and signature of the trainer; and
 - vi. The address or location of where the training occurred, including city, county and state.
- E.** Training workers for early entry irrigation and limited contact activities, as prescribed in R3-3-1002, shall occur before the

worker enters an area on an agricultural establishment during a restricted-entry interval.

- F.** Worker and handler training verification cards from federally approved worker safety training programs shall be accepted as proof of training.
- G.** Trainer requirements.
 - 1. Any person applying to be certified as a pesticide safety trainer shall:
 - a. Complete the Department pesticide safety training program established in subsection (D); or
 - b. Hold a current restricted use certification, issued by the Department for certified applicators.
 - 2. An applicant shall submit a signed affidavit to the Department verifying that workers and handlers shall be trained according to the requirements of subsection (D)(2). The affidavit shall include the following:
 - a. The name, address, telephone number, and signature of the applicant;
 - b. The date of the application.
 - 3. Trainer certification pursuant to subsection (G)(1)(a) is nontransferable and is valid for 3 years from the date of issuance, excluding the month in which the trainer was certified, except as otherwise provided in subsection (I). Trainer certification shall be renewed upon completion of a Department worker protection standard recertification course.
 - 4. Trainers shall maintain the records contained in subsection (D)(2)(f) for 5 years for workers, and 3 years for handlers, excluding the month of the verification card issuance.
 - 5. The trainer shall make available the worker and handler records prescribed in subsection (D)(2)(f) for inspection and copying by the Department.
- H.** The Assistant Director or designee, after showing identification and credentials, shall be permitted to inspect places where worker safety training is being held and to question trainers and attendees to determine compliance with the requirements of this Section.
- I.** The following may be grounds for suspension, revocation, or denial of trainer certification:
 - 1. Failing to follow the worker and handler training requirements prescribed in subsections (D)(2)(a) through (e).
 - 2. Failing to issue training verification cards to workers and handlers as prescribed in subsection (D)(2)(f).
 - 3. Failing to maintain the training information prescribed in subsection (G)(4).
 - 4. Acting as a trainer without certification as prescribed in subsection (G).
 - 5. Failing to fulfill the requirements of the affidavit as prescribed in subsection (G)(2).
 - 6. Having had a similar certification revoked, suspended or denied in this jurisdiction or in any other jurisdiction within the last 3 years.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1003 renumbered from R3-8-203 (Supp. 91-4). R3-3-1003 repealed; new Section R3-3-1003 renumbered from R3-3-1002 and amended effective October 8, 1998 (Supp. 98-4).

R3-3-1004. Notification Requirements for Farm Labor Contractors

- A.** The owner or operator of an agricultural establishment shall provide the farm labor contractor who performs work on that agricultural establishment with:

1. The location of the agricultural establishment's central posting site; and
 2. The restrictions on entering the treated area as specified in 40 CFR 170.120(d), if a treated area is within 1/4 mile of where workers will be working and the treated area is not posted as allowed or required in 40 CFR 170.120(a), (b) and (c).
- B.** The farm labor contractor shall:
1. Post or provide the worker in writing, with the information in 40 CFR 170.122, or shall post or provide the worker in writing, the specific location of the central posting site for each agricultural establishment on which the worker will be working;
 2. Provide the worker with restrictions on entering a treated area as specified in 40 CFR 170.120(d) if the treated area on the agricultural establishment where a worker will be working is within 1/4 mile of where the worker is working, and the treated area and is not posted as allowed or required in 40 CFR 170.120(a), (b) and (c).

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1004 renumbered from R3-8-204 (Supp. 91-4).
Amended effective October 8, 1998 (Supp. 98-4).

R3-3-1005. Container Used For Mixing or Applying Pesticides

- A.** All openings on containers used for applying pesticides shall be equipped with covers that prevent splashes and spills.
- B.** All containers shall:
1. Be translucent, or
 2. Have a means to indicate externally the internal liquid level in the container, or
 3. Have a filler hose nozzle that automatically stops the filling operation before the liquid pesticide mixture spills over the top of the container.
- C.** Any employer who mixes or applies any liquid pesticide mixture in a container with a capacity of more than 49 gallons shall have a handler present whenever pesticides are mixed or containers are filled to ensure that the liquid pesticide mixture does not spill over the top of the container.
- D.** Each handler, while mixing pesticides, shall protect the water supply from back-siphoning pesticide mixtures.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1005 renumbered from R3-8-205 (Supp. 91-4).
Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1006. Agricultural Emergency

- A.** Any grower, a group of growers, or designee may request the Assistant Director for an agricultural emergency.
- B.** Possibility of agricultural emergency.
1. If during business hours information is obtained showing that a declaration of an agricultural emergency is necessary, the requesting party shall notify the Department immediately and provide the following information:
 - a. The cause of the emergency,
 - b. The area where the emergency may occur,
 - c. An explanation of why early entry is necessary,
 - d. Why other methods cannot be used to avoid the early entry, and
 - e. The justification that substantial economic loss will occur.
 2. The Assistant Director shall render a decision to the requesting party on whether an agricultural emergency exists within 4 hours of receiving the information.

3. If a grower or requesting party does not submit the written documentation in subsection (B)(1) or if the Assistant Director questions the validity or adequacy of the written evidence of the emergency, the Assistant Director shall investigate a grower's entry into the restricted-entry interval area and advise the requesting party of the reasons for the denial of the agricultural emergency.
4. If the information in subsection (B)(1) is given orally, the requesting party shall notify the Department immediately and provide the Assistant Director with written evidence of the emergency within 5 days. The Assistant Director shall, within 10 business days of receipt of the written evidence of the emergency or completion of the investigation, issue a letter to the requesting party confirming or denying the request for an agricultural emergency.

C. Occurrence of agricultural emergency.

1. If information is obtained after business hours, or during a weekend or holiday, showing that a declaration of agricultural emergency is necessary, the requesting party shall inform the Department, orally, the next business day following the emergency and provide the following information, in writing, within 72 hours of the emergency or notification:
 - a. The cause of the emergency,
 - b. The area where the emergency occurred,
 - c. A brief explanation of why early entry was necessary,
 - d. Why other methods could not be used to avoid the early entry, and
 - e. The justification that substantial economic loss would have occurred.
2. If a grower or requesting party does not submit the written evidence of the emergency in subsection (B)(1) or if the Assistant Director questions whether the written evidence of emergency could have occurred before the emergency, or the validity or adequacy of the written evidence of the emergency, the Assistant Director shall investigate a grower's entry into the restricted-entry interval area and advise the requesting party of the reasons for the denial.
3. The Assistant Director shall within 10 business days of receipt of the evidence of emergency or completion of the investigation issue a letter to the requesting party confirming or denying the request for the agricultural emergency.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1006 renumbered from R3-8-206 (Supp. 91-4).
Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1007. Violations and Civil Penalties

- A.** Serious violations. The base penalty for any serious violation is \$500 and no adjustment shall be made for mitigating circumstances. The penalty for a violation in which a person is killed or permanently disabled shall be the maximum allowed in A.R.S. §§ 3-3113 and 3-3114.
- B.** Nonserious violations. The Assistant Director shall calculate the base penalty for a nonserious violation and determine the civil penalty amount based on the factors prescribed in A.R.S. § 3-3113(I). If there are contributing or mitigating circumstances, the points may be adjusted, provided the adjustment is documented.

VIOLATION GRAVITY FACTOR

(1 - lowest; 4 - highest)

VIOLATION**GRAVITY**

Department of Agriculture - Environmental Services Division

Central Posting	1 - 2
Training	1 - 4
Decontamination	1 - 4
Personal Protective Equipment	1 - 4
Pesticide Applications and Notice	1 - 4
Pesticide Application Restrictions	2 - 4
Other Requirements	1 - 4

C. Size-of-business. The Assistant Director shall use:

1. The maximum number of employees at any 1 time during the previous 12 months from the date of notice, including only the Arizona branch offices to determine the size business category; or
2. A site-specific employee count, if the violation does not endanger employees at other locations of the business; or
3. The number of persons trained by a trainer during the previous 12 months that violate the training provisions of this Section.

SIZE-OF-BUSINESS

Size Category	Number of Employees or Number of People Trained
I	1-10
II	11-75
III	76-150
IV	More than 150

D. Base penalty. The Assistant Director shall calculate the base penalty for the alleged violation by using the violation gravity factor established in subsection (B) and applying the size-of-business category established in subsection (C).**BASE PENALTY**

Gravity Factor	I	II	III	IV
1	\$250	\$300	\$350	\$400
2	300	350	400	450
3	350	400	450	500
4	500	500	500	500

E. Combined or group violations. The Assistant Director may combine or group violations.

1. Violations may be combined and assessed 1 penalty if the violation does not cause any immediate danger to public health or safety or damage to property. Example: Eight workers on a harvest crew have received no training and there is no evidence of exposure. This situation may result in only 1 training penalty being assessed against the employer.
2. Violations may be grouped if they have a common element and it is apparent which violation has the highest gravity. The penalty for a grouped violation is assessed on the violation with the highest gravity. The penalty for a grouped violation is assessed pursuant to the appropriate law or rule with the highest gravity. Example: Two crews from the same company are engaged in an improper handling activity and 1 crew is using a pesticide with a "danger" signal word, (skull and cross bones) while the other crew is using a pesticide with a "warning" signal word. This situation may result in the employer being assessed 1 penalty based on the penalty for the "danger" (skull and cross bones) violation.

F. If a decision is not reached in a negotiated settlement, the Director may assess a penalty pursuant to A.R.S. § 3-3114.**Historical Note**

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1007 renumbered from R3-8-207 (Supp. 91-4).
Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1008. Penalty Adjustments**A.** The Assistant Director shall assign an appropriate number of points for each of the following 5 factors to increase the base penalty for a serious violation, or increase or decrease the base penalty for a nonserious violation.

1. If the total adjustment points on a nonserious violation is less than 9, the base penalty is reduced; if it is more than 9, the base penalty is increased.
2. If the total adjustment points on a serious violation is 3 or less, the base penalty shall be imposed; if it is more than 3, the base penalty is increased.
3. If a violation is a repeated violation, as prescribed in R3-3-1011 for compliance history, a base penalty adjustment factor shall not be used in assessing a penalty.

BASE ADJUSTMENT FACTORS**Pesticide**

Signal word danger with skull and crossbones	5
Signal word danger	4
Warning	3
Caution	2
Indirect relation to the violation	1

Harm to Human Health

Actual Injuries or temporary reversible illness resulting in hospitalization or a variable but limited period of disability.

hospital care greater than 8 hours	9
Actual (doctor care required, less than 8 hours)	6
Minor supportive care only	2 - 4
Consequence potential	1 - 2
No relationship found	0

Compliance History

One or more violations in the previous 12 months	4
One or more violations in the previous 24 months	3
One or more violations in the previous 36 months	1
No violation history	0

Culpability

Knowing or should have known	4
Negligence	2
Neither	0

Good Faith 0 - -2**B.** The Assistant Director may reduce the base penalty for a non-serious violation, as determined in R3-3-1007(C), by as much as 80% depending upon the number of employees or trained persons, good faith, and history of previous violations.**FINAL PENALTY CALCULATION**

	Nonserious Violation Penalty Adjustment	Serious Violation Penalty Adjustment
Number of Points		
3 or below	Base -80%	Base Penalty
4	Base -65%	Base + 10%
5	Base -50%	Base + 20%
6	Base -35%	Base + 30%
7	Base -20%	Base + 40%
8	Base -5%	Base + 50%
9	Base Penalty	Base + 60%
10	Base + 20%	Base + 70%
11	Base + 35%	Base + 80%
12	Base + 50%	Base + 90%
13	Base + 65%	Base + 100%
14	Base + 80%	Base + 100%

15 or more Base + 100% Base + 100%

Example: A business employs 26 people in Town A and 14 people in Town B. In addition, 35 seasonal people are employed during the harvest. The total annual employee positions equal 75. The following violations are found during an inspection: (1) No training for 35 seasonal workers on the harvest crew; (2) No available decontamination supplies; (3) No safety poster at the central posting location; (4) No emergency telephone number posted, and no medical facility location posted at the central posting location; (5) No posted pesticide application information at the central posting location.

Step 1. Use the *Violation Gravity Factor* table to determine the gravity of the violation.

(1) Training, 1-4	2 points, all 35 workers are combined;
(2) Decontamination, 1-43	points, no supplies were available within the prescribed distance and it has been 25 days since the most recent application;
(3) - (5) Central Posting, 1-2	1 point, since the violations concerns the same factor, they are combined. (There is evidence that the old poster blew away and the pesticide application information is kept available in the secretary's desk, but it is not 'readily' available.)

Step 2. Use the *Size of Business* table to determine the size category.

75 employees falls into the size category II;

Step 3. Use the *Base Penalty* table to determine the base penalty. Use column II based on the *Size of Business* determination from step 2.

Violation 1, with a gravity factor of 2, equals a base penalty of \$350;

Violation 2, with a gravity factor of 3, equals a base penalty of \$400;

Violations 3, 4, and 5, with a gravity factor of 1, equals 1 base penalty of \$300.

Step 4. Using the *Base Adjustment Factors* table to calculate the adjustments, if any. In this case, the base adjustments are uniform in all categories except #4, culpability.

Pesticide. It was a indirect relationship because of the timing of the application and when the workers were in the treated area. 1 point.

Harm to Human Health. There was no harm to health and the pesticide had not been applied recently. 1 point.

Compliance History. This farm has no previous violation history. 0 points.

Culpability. The supervisor attended a "train-the-trainer" course 2 years ago and should have been aware of the requirements of the worker

protection standard. Therefore, for the 1st 2 violations the supervisor should have known about the requirements. For the last 3 violations, the central posting sight was not checked frequently enough to ensure compliance. For violations 1 and 2, 4 points for knowing or should have known; For violations 3, 4, and 5, 2 points for negligence.

Good Faith. The inspector came back 5 days later and the workers were trained the day of the 1st inspection, the poster was posted and everything was in compliance. Since the employer corrected the violations quickly. -1 point.

Step 5. Add the points for each violation from Step 4.

Violation 1 1 + 1 + 0 + 4 + -1 = 5

Violation 2 1 + 1 + 0 + 4 + -1 = 5

Violations 3, 4, 5 1 + 1 + 0 + 2 + -1 = 3

Step 6. Using the *Final Penalty Calculation* table to determine the appropriate violation penalty adjustment that corresponds with the base adjustment factor point total. Use the definitions for nonserious or serious violations to determine the appropriate violation penalty adjustment column. In this case, use the nonserious penalty adjustment column.

Violation 1 5 pointsBase - 50% = 350-175 = \$175

Violation 2 5 pointsBase - 50% = 400-200 = \$200

Violations

3, 4, 53 pointsBase - 80% = 300-240 = \$ 60

Adjusted Penalty Total \$435

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1008 renumbered from R3-8-208 (Supp. 91-4). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1009. Failure-to-Abate

- A. The Director shall issue a notification of failure-to-abate an alleged violation if a violation has not been corrected as specified on the citation. Failure-to-abate penalties, pursuant to A.R.S. § 3-3113(E), shall be applied if an employer or handler has not corrected a previous cited violation that is a final order of the Director. When determining the appropriate penalty amount, the Director shall take into consideration a good faith effort to abate the violation.
- B. If a person does not file a timely notice of contest within the 30-day contest period, the citation and proposed penalties shall be a final order of the Director.
- C. If a person files a notice of contest pursuant to A.R.S. § 3-3116(A), the period for the abatement shall not begin, as to those violations contested, until the day following the entry of the final order by the Director affirming the citation. If the person contests only the amount of the proposed penalty, the person shall correct the alleged violation within the prescribed abatement period.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1010. Calculation of Additional Penalties For Unabated Violations

- A. The Assistant Director shall calculate a daily penalty for unabated violations if failure to abate a serious or nonserious violation exists at the time of reinspection. That penalty shall not be less than the penalty for the violation when cited, except as provided in subsection (C).

1. If no penalty was initially proposed, the Assistant Director shall determine a penalty. In no case shall the penalty be more than \$1,000 per day, the maximum allowed by A.R.S. § 3-3113(E).
 2. The daily proposed penalty shall be multiplied by the number of calendar days that the violation has continued unabated, except for the following: The number of days unabated shall be counted from the day following the abatement date specified in the final order. It shall include all calendar days between that date and the date of reinspection, excluding the date of reinspection.
- B.** When calculating the additional daily penalty, the Assistant Director shall consider the extent that the violation has been abated, whether the employer has made a good faith effort to correct the violation, and it is beyond the employer's control to abate. Based on these factors, the Assistant Director may reduce or eliminate the daily penalty. Example: If 3 of 5 instances have been corrected, the daily proposed penalty (calculated as outlined in subsection (A) without regard to any partial abatement), may be reduced by the percentage of the total violations which have been corrected, in this instance, 3 of 5, or 60%.
- Historical Note**
Adopted effective October 8, 1998 (Supp. 98-4).
1. The penalty for a repeated nonserious violation shall be doubled for the 1st repeated violation and tripled if the violation has been cited twice before, up to the maximum allowed by A.R.S. § 3-3113(A).
 2. The penalty for a repeated serious violation shall be multiplied 5 times for the 1st repeated violation and 7 times if the violation has been cited twice before, up to the maximum allowed by A.R.S. § 3-3113(A).
 3. The penalty for a repeated serious violation in which someone is disabled or killed shall be multiplied 10 times for each repeated violation, up to the maximum allowed by A.R.S. § 3-3113(A).
 4. A repeated violation having no initial penalty shall be assessed for the 1st repeated violation as determined by this Article.
 5. If the Assistant Director determines, through documentation, that it is appropriate, the penalty may be multiplied by 10, up to the maximum allowed by A.R.S. § 3-3113(A).
- B.** The Assistant Director may adjust the gravity based penalty by a multiplier up to 10 for any willful violation, up to the maximum allowed by A.R.S. § 3-3113(A).
- C.** The Assistant Director shall not allow a reduction for any serious or nonserious willfully repeated violation.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1011.

Repeated or Willful Violations

- A.** The Assistant Director shall calculate a penalty for each violation classified as serious or nonserious if similar violations are repeated within the last 3 years from the date of notice.

TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

(Authority: A.R.S. §§ 3-107, 3-201 et seq., 3-441 et seq., and 3-481 et seq.)

Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09; Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77; Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307; Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408; Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504; Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1; Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108; Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 (Supp. 91-4).

ARTICLE 1. GENERAL PROVISIONS

Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09 (Supp. 91-4).

Section

R3-4-101.	Definitions
R3-4-102.	Licensing Time-frames
R3-4-103.	Repealed
R3-4-104.	Repealed
R3-4-105.	Prohibitions
R3-4-106.	Repealed
R3-4-107.	Experimental Purposes
R3-4-108.	Repealed
R3-4-109.	Repealed
Table 1.	Time-frames - Calendar Days

ARTICLE 2. QUARANTINE

Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77 (Supp. 91-4).

Section

R3-4-201.	Transportation and inspection requirements for plants and plant products and for other agricultural products or equipment subject to inspection under Arizona law and vehicle quarantine
R3-4-202.	Packaging, sealing, waxing and coating of nursery stock
R3-4-203.	Repealed
R3-4-204.	Pink Bollworm and the Cotton Boll Weevil Complex
R3-4-205.	Renumbered
R3-4-206.	Repealed
R3-4-207.	Repealed
R3-4-208.	Repealed
R3-4-209.	Repealed
R3-4-210.	Repealed
R3-4-211.	Repealed
R3-4-212.	Repealed
R3-4-213.	Repealed
R3-4-214.	Repealed
R3-4-215.	Repealed
R3-4-216.	Repealed
R3-4-217.	Repealed
R3-4-218.	Cotton Boll Weevil Pest
R3-4-219.	Citrus Fruit Surface Pest
R3-4-220.	Citrus Nursery Stock Pests
R3-4-221.	Repealed
R3-4-222.	Repealed
R3-4-223.	Repealed

R3-4-224.	Repealed
R3-4-225.	Repealed
R3-4-226.	Scale insect pest
R3-4-227.	Repealed
R3-4-228.	European corn borer, <i>Ostrinia nubilalis</i> (Hubn.)
R3-4-229.	Nut Tree Pests
R3-4-230.	Tristeza or Quick Decline of Citrus
R3-4-231.	Nut pests
R3-4-232.	Repealed
R3-4-233.	Lettuce Mosaic
R3-4-234.	Nematode pest -- area under quarantine
R3-4-235.	Nematode pest -- commodities covered and exemptions
R3-4-236.	Nematode pest -- conditions for admission
R3-4-237.	Nematode pest -- disposition of violations
R3-4-238.	Whiteflies quarantine
R3-4-239.	Imported fire ants
R3-4-240.	Plum Curculio and Apple Maggot Pests
R3-4-241.	Lethal Yellowing and Lethal Decline of palms
R3-4-242.	Repealed
R3-4-243.	Repealed
R3-4-244.	Regulated and Restricted Noxious Weeds
R3-4-245.	Prohibited Noxious Weeds
R3-4-246.	Fruit fly pests
R3-4-247.	Repealed
R3-4-248.	Japanese beetle

ARTICLE 3. NURSERY RULES

Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307 (Supp. 91-4).

Article 3 consisting of Sections R3-4-301 through R3-4-307 adopted effective January 17, 1989.

Section

R3-4-301.	Special nursery certification; definitions
R3-4-302.	Special nursery certification; Arizona certified nursery inspections
R3-4-303.	Special nursery certification; ozonium root rot inspection
R3-4-304.	Special nursery certification; other certification inspections
R3-4-305.	Special nursery certification; application
R3-4-306.	Special nursery certification inspection; denial, revocation, and suspension of certification
R3-4-307.	Repealed

ARTICLE 4. SEEDS

Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-

401 through R3-1-408 (Supp. 91-4).

Article 4 consisting of Sections R3-4-110 through R3-4-117 renumbered without change as Article 4, Sections R3-4-401 through R3-4-408 (Supp. 89-1).

Section

- R3-4-401. Definitions
- R3-4-402. Labeling
- R3-4-403. Noxious Weed Seeds
- R3-4-404. Vegetable Seed Germination Standards
- R3-4-405. Seed-certifying Agencies
- R3-4-406. Sampling and Analyzing Seed
- R3-4-407. Phytosanitary Field Inspection; Fee
- R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees

ARTICLE 5. COLORED COTTON

(Authority: A.R.S. § 3-205.02 et seq.)

Article 5, consisting of Section R3-4-501 renumbered from R3-4-205 and amended, effective April 9, 1998 (Supp. 98-2).

Article 5, consisting of Sections R3-4-501 through R3-4-506, repealed by summary action with an interim effective date of February 10, 1995; interim effective date of February 10, 1995 now the permanent date (Supp. 96-3).

Article 5, consisting of Sections R3-4-501 through R3-4-505 adopted effective October 15, 1993 (Supp. 93-4).

Article 5, consisting of Sections R3-4-501 through R3-4-504 repealed effective October 15, 1993 (Supp. 93-4).

Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504 (Supp. 91-4).

Article 5 consisting of Sections R3-4-120 through R3-4-122 renumbered without change as Article 5, Sections R3-4-501 through R3-4-503 (Supp. 89-1).

Section

- R3-4-501. Colored Cotton Production and Processing

ARTICLE 6. ARIZONA NATIVE PLANTS

(Authority: A.R.S. § 3-901 et seq.)

Article 6, consisting of Sections R3-4-601 through R6-4-618 and Appendix A, adopted effective July 6, 1993 (Supp. 93-3).

Article 6, consisting of Sections R3-4-601 through R6-4-633 and Appendix A, repealed effective July 6, 1993 (Supp. 93-3).

Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1.

Article 6 consisting of Sections R3-4-130 through R3-4-141 renumbered without change as Article 6, Sections R3-4-601 through R3-4-612 (Supp. 89-1).

Section

- R3-4-601. Definitions
- R3-4-602. Notice of Intent: Written or Oral
- R3-4-603. Confirmation of Notice of Intent
- R3-4-604. Public Notice: Posting and Mailing List; Fee
- R3-4-605. State Agencies - Disposal and Salvage of Protected Native Plants
- R3-4-606. Protected Native Plant Survey; Fee
- R3-4-607. Seminars, Training Courses, Pamphlets and Printed Material; Fee
- R3-4-608. Native Plant Law Educational Classes; Fee
- R3-4-609. Permits

- R3-4-610. Qualifications for Permit Applicants
- R3-4-611. Qualifications for Salvage Assessed Native Plant Permit
- R3-4-612. Qualifications for Annual Permits for Harvest-restricted Native Plants; Fee
- R3-4-613. Native Plant Permit Fees; Exemptions
- R3-4-614. Native Plant Tag Assessments and Receipt Fees
- R3-4-615. Procedures for Attaching Tags, Metal Seals, and Cord to Protected Native Plants
- R3-4-616. Use of Metal Seals, Movement Permit
- R3-4-617. Misuse of Permits, Tags, or Metal Seals
- R3-4-618. Confiscation of Plants, Plant Parts, Wood, or Fiber as Evidence
- R3-4-619. Repealed
- R3-4-620. Repealed
- R3-4-621. Repealed
- R3-4-622. Repealed
- R3-4-623. Repealed
- R3-4-624. Repealed
- R3-4-625. Repealed
- R3-4-626. Repealed
- R3-4-627. Repealed
- R3-4-628. Repealed
- R3-4-629. Repealed
- R3-4-630. Repealed
- R3-4-631. Repealed
- R3-4-632. Repealed
- R3-4-633. Repealed

Appendix A. Protected Native Plants By Categories

ARTICLE 7. FRUITS AND VEGETABLES STANDARDIZATION

(Authority: A.R.S. § 3-481 et seq.)

Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108 (Supp. 91-4).

Section

- R3-4-701. Apple Standards
- R3-4-702. Apricot Standards
- R3-4-703. Asparagus Standards
- R3-4-704. Beet and Turnip Standards
- R3-4-705. Broccoli Standards
- R3-4-706. Brussels Sprouts Standards
- R3-4-707. Cabbage Standards
- R3-4-708. Cantaloupe Standards, Containers, Packing Arrangements
- R3-4-709. Carrot Standards
- R3-4-710. Cauliflower Standards
- R3-4-711. Celery Standards
- R3-4-712. Cherry Standards
- R3-4-713. Corn Standards
- R3-4-714. Endive, Escarole, or Chicory Standards
- R3-4-715. Greens Standards (Collard, Rapini, Mustard, and Turnip)
- R3-4-716. Head Lettuce Standards, Containers, Packing Arrangements
- R3-4-717. Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons)
- R3-4-718. Nectarine Standards
- R3-4-719. Okra Standards
- R3-4-720. Dry Onion Standards
- R3-4-721. Pea Standards
- R3-4-722. Peach Standards
- R3-4-723. Pear Standards

R3-4-724.	Sweet Pepper Standards
R3-4-725.	Fresh Plum and Prune Standards
R3-4-726.	Potato Standards
R3-4-727.	Romaine Standards
R3-4-728.	Spinach Standards
R3-4-729.	Strawberry Standards
R3-4-730.	String Bean Standards
R3-4-731.	Summer Squash Standards
R3-4-732.	Sweet Potato Standards
R3-4-733.	Table Grape Standards
R3-4-734.	Tomato Standards
R3-4-735.	Winter Squash Standards
R3-4-736.	Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards
R3-4-737.	Container Labeling for Fruit and Vegetables
R3-4-738.	Inspection and Representative Sampling for Fruit and Vegetables
R3-4-739.	Reconditioning for Fruit and Vegetables
R3-4-740.	Experimental Container, Pack, and Product Permits for Fruit and Vegetables
R3-4-741.	Inspection Fee
R3-4-742.	Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants
R3-4-743.	Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers

ARTICLE 8. CITRUS FRUIT STANDARDIZATION

(Authority: A.R.S. § 3-441 et seq.)

Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-

201 through R3-7-207 (Supp. 91-4).

Section	
R3-4-801.	Orange and Grapefruit Standards
R3-4-802.	Lemon Standards
R3-4-803.	Lime Standards
R3-4-804.	Tangerine, Tangelo, and Mandarin Standards
R3-4-805.	Serious Defects in Citrus Fruit
R3-4-806.	Tolerance for Serious Defects
R3-4-807.	Freezing Damage
R3-4-808.	Standards for Unlisted Citrus Fruit, Experimental Product Standards
R3-4-809.	Standard and Bulk Containers for Citrus Fruit
R3-4-810.	Packaged Count and Average Diameter
R3-4-811.	Container Labeling for Citrus Fruit
R3-4-812.	Inspections and Representative Sampling for Citrus Fruit
R3-4-813.	Reconditioning for Citrus Fruit
R3-4-814.	Experimental Container, Pack, and Product Permits for Citrus Fruit
R3-4-815.	Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants
R3-4-816.	Recordkeeping and Reporting Requirements for Citrus Fruit Shippers

ARTICLE 9. BIOTECHNOLOGY

Article 9, consisting of Section R3-4-901, adopted effective November 22, 1993 (Supp. 93-4).

Section	
R3-4-901.	Genetically Engineered Organisms and Products

ARTICLE 1. GENERAL PROVISIONS**R3-4-101. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, and 3-481, the following shall apply to this Chapter:

1. "Air plant (Epiphyte)" means a plant that grows on another plant or object but does not require it as a source of nutrients.
2. "Appliance" means any box, tray, container, ladder, tent, vehicle, implement, or any article or thing which is or may be used in connection with the growing, harvesting, handling, packing, or transportation of any agricultural commodity.
3. "Aquatic" means living or growing in or on water.
4. "Bulk container" means a package for a commodity that is used solely for the transportation of the commodity in bulk quantities.
5. "Carrier" means any plant, plant product, or any other material or thing which can transport or harbor a crop pest.
6. "Certificate" means a document issued by an inspector or the Department, United States Department of Agriculture, or duly authorized officer of the State of Origin, stating name, quantity, and nature of the regulated articles and the information required by a specific regulation.
7. "Certificate of Inspection" means a document issued by an inspector of the Department, United States Department of Agriculture, or duly authorized officer of the State of Origin stating that the commodity for which the certificate of inspection is issued has been inspected and found apparently free of pests or diseases.
8. "Commodity" means any plant, plant product, material, or thing which is subject to Department rules.
9. "Common carrier" means any person transporting commodities for compensation or commercial purposes.
10. "Consumer container" means a package for a commodity that is produced or distributed for retail sales or for consumption by individuals.
11. "Container" means any box, crate, lug, chest, basket, carton, barrel, keg, drum, can, sack, or other receptacle for a commodity.
12. "Cotton harvesting machine" means any machine used for the purpose of picking or harvesting raw cotton in the field.
13. "Cotton lint" means the remnant produced when cottonseed is processed in a gin.
14. "Cotton plant" means all parts of *Gossypium* spp. whether wild or domesticated, except manufactured cotton products.
15. "Cotton products" includes seed cotton, cotton list, cotton linters, motes, cotton waste, gin trash, cottonseed, and cotton hulls.
16. "Cotton waste" includes all waste products from the processing of cotton at gins and cottonseed-oil mills, in any form or under any trade designation.
17. "Defoliate" means the removal of leaves from a plant.
18. "Diseased" means a disease can be demonstrated to exist therein or in any part thereof.
19. "Disseminate" means to scatter, spread abroad, or disperse.
20. "Fumigate" means to apply a gaseous substance to a commodity in a closed area for the purpose of eradicating pests.
21. "Gin trash" means organic waste or materials resulting from the ginning of cotton.
22. "Head leaves" means all leaves which enfold the compact portion of the head of lettuce or cabbage.
23. "Host" means a plant or plant product on or in which a pest can live and/or reproduce.
24. "Hull" means the dry outer covering of a seed or nut.
25. "Husk" means the membranous outer envelope of many seeds and fruit, as of an ear of corn or a nut.
26. "Imported plant" means any plant grown outside the state of Arizona and brought into Arizona.
27. "Infected" means any plant, plant product, or other material on or in which has been found a disease.
28. "Infested" means any plant, plant product, or other material on or in which has been found a pest.
29. "Inspector" means an employee of the Department or other cooperating governmental agencies whose duties are the enforcement of any law or rule of the Department.
30. "Label" means all tags and other written, printed or graphic representations in any form whatsoever, accompanying or pertaining to any plant, plant product, or other commodity.
31. "Location" means the locality of any commodity.
32. "Lot" means any one group of specimens of such plants, plant products, or things, whether or not containerized, and which is set apart or is separate from any other group.
33. "Notice of quarantine" means an official order or notice given out to detain a commodity from being sold or transported.
34. "Nursery" means any grounds or premises on or in which nursery stock is grown or propagated for sale or distribution.
35. "Permit" means an official document authorizing the movement of host plants and carriers.
36. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
37. "Plant product" means any plant part which has not been subjected to processing or manufacturing.
38. "Private carrier" means any person transporting commodities for noncommercial purposes.
39. "Reshipment" means a shipment of a commodity after having been received from another shipping point.
40. "Sell" means to exchange for money or its equivalent including to offer a commodity for sale, expose for sale, possess for sale, or to otherwise exchange, barter, or trade.
41. "Serious damage" means any injury or defect rising from any circumstance, natural or mechanical, which affects the appearance or the edible or shipping quality of the commodity or the lot as a whole.
42. "Standard container" means a container used to pack a specific commodity as specified within this Article.
43. "Stub or soca cotton" means those cotton stalks of a previous crop which begin to show signs of growing by displaying buds which swell or which send out shoots of plant growth, either white or green.
44. "Subcontainer" means any container when being used within another container.
45. "Terminal inspection" means the inspection of a commodity at a destination.
46. "Transport" means the moving of an article from one point to another.
47. "Treatment" means an application of a substance as either a spray, mist, dust, granule, or fumigant; or a process in which a substance or procedure is used to control or eradicate crop pests.
48. "Warning-hold for agricultural inspection" means an official notice given out to a common carrier or private car-

rier to place a commodity or commodities carried under quarantine.

49. "Vector" means an organism (usually an insect) that may carry pathogens from one host plant to another.
50. "Vehicle" means an automotive device, such as a car, bus, truck, or private or recreational vehicle.
51. "Volunteer cotton" means sprout from seed of a previous crop.
52. "Wrapper leaves" means all leaves which do not closely enfold the compact portion of the head of lettuce or cabbage.

Historical Note

Former Rule 1; Amended effective June 16, 1977 (Supp. 77-3). Section R3-1-01 renumbered to R3-4-101 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section R3-4-101 renumbered from R3-4-102 without change, effective October 8, 1998 (Supp. 98-4).

R3-4-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
 2. The Department shall issue a written notice granting or denying a license within the substantive review time-

frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Former Rule 2; Amended effective June 19, 1978 (Supp. 78-3). Section R3-1-02 renumbered to R3-4-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Section R3-4-102 renumbered to R3-4-101; new Section R3-4-102 adopted effective October 8, 1998 (Supp. 98-4).

R3-4-103. Repealed

Historical Note

Former Rule 3. Section R3-1-03 renumbered to R3-4-103 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

R3-4-104. Repealed

Historical Note

Former Rule 4. Section R3-1-04 renumbered to R3-4-104 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

R3-4-105. Prohibitions

Any person in the state of Arizona is prohibited from having possession of, transporting, selling, giving away, or otherwise disposing of any article found in violation of any rule.

Historical Note

Former Rule 5. Section R3-1-05 renumbered to R3-4-105 (Supp. 91-4). Amended effective September 22, 1994 (Supp. 94-3).

R3-4-106. Repealed

Historical Note

Former Rule 6. Section R3-1-06 renumbered to R3-4-106 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

R3-4-107. Experimental Purposes

Commodities covered by any regulation may be imported for experimental purposes by any authorized governmental or private organization under special permit from the Director.

Historical Note

Former Rule 7. Section R3-1-07 renumbered to R3-4-107 (Supp. 91-4). Amended effective September 22, 1994 (Supp. 94-3).

R3-4-108. Repealed

Historical Note

Former Rule 8. Section R3-1-08 renumbered to R3-4-108 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

R3-4-109. Repealed

Historical Note

Former Rule 9. Section R3-1-09 renumbered to R3-4-109 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
QUARANTINE						
Cotton Boll Weevil Pest	A.R.S. § 3-201.01 R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	A.R.S. § 3-201.01 R3-4-219	14	14	60	30	44
Citrus Nursery Stock Pests	A.R.S. § 3-201.01 R3-4-220	14	14	30	30	44
Lettuce Mosaic Pest	A.R.S. § 3-201.01 R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	A.R.S. § 3-201.01 R3-4-244 R3-4-245	14	14	30	30	44
Scale Insects Pests	A.R.S. § 3-201.01 R3-4-226	14	14	30	30	44
Plum Curculio Apple Maggot	A.R.S. § 3-201.01 R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. § 3-205.02 R3-4-501	14	0	0	0	14
NURSERY						
Ozonium Root Rot Inspection • Method of Growing • Indicator Crop Planted on Applicant's Property • Indicator Crop Planted in Sur- rounding Area	A.R.S. § 3-201.01 A.R.S. § 3-217 R3-4-303	7 7 7	14 14 14	30 4 yrs 5 yrs	14 14 14	37 4 yrs, 7 days 5 yrs, 7 days
Other Certification Inspections • Nursery Inspection	A.R.S. § 3-201.01 A.R.S. § 3-217	30	14	1 yr	14	1 yr, 30 days
Phytosanitary Field Inspection • Phytosanitary Application	A.R.S. § 3-201.01 A.R.S. § 3-217	30	7	120	7	150
STANDARDIZATION						
Experimental Containers	A.R.S. § 3-487 R3-4-740	7	0	2	0	9
Experimental Containers	A.R.S. § 3-445 R3-4-814	7	0	2	0	9
Citrus Fruit Dealer, Packer or Shipper License	A.R.S. § 3-449	10	14	10	14	20
Fruit and Vegetable Dealer, Packer or Shipper License	A.R.S. § 3-492	10	14	10	14	20
ARIZONA NATIVE PLANTS						

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904 R3-4-602	7	14	7	14	14
• Qualifications for Salvage Assessed Native Plant Permits	A.R.S. § 3-906 R3-4-611 R3-4-610	5	14	5	14	10
• Salvage Restricted Native Plant Permits		5	14	5	14	10
• Scientific & Educational Permits		14	14	14	14	28
Blue Seal Permits	A.R.S. § 3-906 R3-4-610	5	14	5	14	10
Qualifications for Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907 R3-4-612	5	14	5	14	10
HAY BROKER						
Hay Broker License	A.R.S. § 3-2712	5	5	5	5	10

Historical note

Table 1 adopted effective October 8, 1998 (Supp. 98-4).

ARTICLE 2. QUARANTINE REGULATIONS**R3-4-201. Transportation and inspection requirements for plants and plant products and for other agricultural products or equipment subject to inspection under Arizona law and vehicle quarantine****A. Notice of quarantine:**

1. It has been determined that importation of plants, plant products and certain other agricultural products and equipment into the state of Arizona constitutes a menace to the agriculture and ornamental horticulture of Arizona unless said plants, plant products and certain other agricultural products and equipment are inspected for dangerous crop pests. In order to prevent the introduction into the state of Arizona of dangerous crop pests, it is hereby ordered and declared that transportation and inspection of plants, plant products and certain other agricultural products and equipment shall be governed by this regulation.
2. It has also been determined that in order to facilitate the inspection of plants, plant products or certain other agricultural products and equipment which are subject to inspection; or anything deemed to be a host or carrier of any crop pest under Title 3, Chapters 1 and 2, Arizona Revised Statutes, which is being transported by common or private carrier, passenger vehicles, recreational vehicles and buses into, within or through the state of Arizona; and to reduce to a minimum the delay incidental to inspection, and at the same time safeguard the state of Arizona against the introduction and/or the dissemination of dangerous crop pests, the transporting of plants, plant products or certain other agricultural products and equipment by common or private carrier, passenger vehicles, recreational vehicles and buses into, within or through the state of Arizona shall be governed by the following regulation. The State Entomologist is ordered to carry out these regulations and the State Entomologist is authorized to grant this authority to his agents by designation.

B. Plants, plant products, and other agricultural products and equipment subject to inspection:

1. Plants or nursery stock:

Agaves	Herbaceous plants
All trees	- Annual
Buds	- Biennial
Bulbs	- Perennial
Cacti	Plant cuttings
Corms	Rhizomes
Decorative plant material	Roots
Flowers	Scions
Fruit pits or seeds	Shrubs
Grafts	Succulents
Grass	Turf
	Vegetable plants
	Vines

and other plants intended for sale, gift, personal use, or propagation from either cultivated sources or collected in the wild.

2. Fruits, vegetables and nuts:

Apples	Nectarines
Apricots	Peaches
Beans (in the pod)	Pears
Beets	Pecans in the shell
Butternuts in the shell	Peppers
Cherries	Persimmons
Citrus fruits, which include: oranges, lemons, limes, grapefruit, tangerines, and all others	Plums
Corn	Pomegranates
Crab apples	Prunes
Dates	Quince
Endive	Rhubarb
Green coconuts with caps attached	Sorghum
	Sweet potatoes
	Swiss chard

- | | | |
|---------------------------|-----------------|--|
| Hawthorn | Tropical fruit: | |
| Hickory nuts in the shell | Mangos, | |
| Loquats | papayas, and | |
| | avocados | |
| | Walnuts in the | |
| | husk | |
3. Plant products: Plant products shall consist of plants which include every kind of vegetation, wild or domesticated and any part thereof:
- | | |
|--------------------------------|---------------------------|
| Bees and bee equipment | Grains |
| Cotton, raw and unmanufactured | Seeds -- for all purposes |
| Cut palm fronds | Spanish moss |
| Fruits | |
- and other natural products of such vegetation which have not been subjected to processing or manufacturing.
4. Other agricultural products and equipment: Other agricultural products and equipment shall consist of:
- | | |
|--|-------------------------------|
| Agricultural harvest and tillage equipment -- used | Cotton appliances -- used |
| Citrus appliances -- used | Soil from all states |
| | Sugar beet appliances -- used |
- and any commodity that the Commission shall have declared to be a carrier of dangerous crop pests.
- C.** Articles exempt from inspection: The following materials are hereby exempt from inspection:
1. Cut flowers, except citrus blossoms.
 2. Cut ornamental greens or florist greens except pine boughs and holly.
 3. Vegetables for human consumption except those listed above.
- D.** Common carriers' responsibilities:
1. Common carriers are required to hold and not deliver to a consignee any products listed in (B) above until such shipment has been inspected by an inspector and a Certificate of Release issued to the common carrier, except as specified in (D)(2) below.
 2. The Entomologist, inspectors or employees of the Commission may give permission to a common carrier to deliver regulated commodities to a consignee for inspection at the final destination.
- E.** Postmasters' responsibilities:
1. The "Terminal Inspection Act" (March 4, 1915, as amended, 38 Stat. 1113, 7 U.S.C. 166) grants authority to states desiring it to request the U.S. Postal Service to hold for state inspection mail containing plants or plant material en route to destinations within the state. The Arizona Commission of Agriculture and Horticulture has registered its desire for terminal inspection at post offices within this state in order to protect itself by quarantining against plants and plant products from other states arriving through the mail.
 2. Postmasters at bulk mail facilities are required to hold all parcels containing plants or plant products for inspection. All such parcels are not to be released until an agent or inspector of the Arizona Commission of Agriculture and Horticulture has made an inspection and stamped the parcel "Inspected and Released".
 3. Postmasters at other post offices throughout the state are also required to intercept any parcel containing plants or plant products which do not have an imprint of the stamp "Inspected and Released" placed on it. All such parcels must be held and the agent or inspector notified at the nearest Class "A", "B", "C" or "D" inspection point.
- F.** Consignees' responsibilities: Any person who receives a shipment of a product listed in (B) above at any post office, United Parcel terminal point of delivery, or from any common carrier with such shipment not having a tag, sticker, or stamp bearing the following, "Arizona Commission of Agriculture and Horticulture -- Inspected and Released", shall immediately notify the local inspector or the Office of the State Entomologist before shipment is used, moved, or disposed of in any manner and shall present the products for inspection in such a manner that an adequate inspection can be made.
- G.** Private carriers' responsibilities: Private carriers are required to hold and not use, deliver, or dispose of any product listed in (B) above until such product has been inspected and released by an inspector.
- H.** Reporting to inspection stations: Upon arrival in the state of Arizona at any quarantine inspection station, or any properly signed temporary quarantine inspection station, established by the Commission, the driver of any common or private carrier, passenger vehicles, recreational vehicles and buses, shall stop and offer the contents of his common or private carrier, passenger vehicles, recreational vehicles and buses, for inspection in the following manner:
1. Present to the inspector the freight bills covering the load; or
 2. Present to the inspector an itemized manifest covering the load; or
 3. Present to the inspector a short-form manifest approved by the Commission containing a statement that the load contains no live plants, trees, shrubs, fruits, vegetables, seed, cotton, used beekeeping equipment, or other agricultural products or equipment subject to inspection under Arizona law; or that the load does contain such articles and lists the articles and destination. The statement must be signed by the authorized agent of the company having the responsibility of loading the truck or the foreman supervising the loading; or
 4. Open the vehicle and expose the contents for complete inspection and assist the inspector in gaining access to any material requiring inspection.
 5. Answer truthfully the questions of the inspector in regard to the carrying of products or equipment subject to inspection, origin of such products and final destination.
- I.** Products entering Arizona:
1. If any or all of the material or equipment requiring inspection is consigned to Arizona and cannot be adequately inspected at an inspection station, the inspector may:
 - a. Issue a "Warning-Hold for Agricultural Inspection": notice requiring the carrier to report with the shipment to the inspector nearest the point of delivery for inspection. The driver's copy will be attached to the freight bill or manifest covering the shipment or shipments.
 - b. Seal the truck with Commission seals; instruct the driver of the common or private carrier not to break the seals except in the presence of an inspector, or after permission has been granted by an inspector or employer of the Commission.
 2. If the material requiring inspection is consigned to, or destined to, a point outside the state of Arizona, and this fact is confirmed by either a short-form manifest or freight bill or other means, the inspector shall give the driver a notice in writing, or by transit stamp, that this load is under quarantine while in the state, and it is unlawful to dispose of it in any way unless it is inspected and released by a quarantine inspector of the Commission.

sion. The vehicle need not be sealed when inspected at the border inspection station. The driver of the vehicle will be required to check out at the inspection station nearest his point of departure from the state of Arizona, if he is so instructed in writing by the issuing inspector.

3. The Entomologist may exempt certain carriers from the sealing requirements listed in (I)(1)(b), when there is no likelihood of spreading harmful pests.

J. Rejected products moving through or out of Arizona under quarantine: When an operator of any type of vehicle is in possession of, or responsible for, any load of agricultural products or equipment covered by this regulation which has been inspected by an inspector of the Commission and found to be in violation of Arizona quarantine laws:

1. The operator of a common or private carrier shall secure a "Warning-Hold for Agricultural Inspection" notice from the inspector who placed the agricultural products or equipment under quarantine and have it in his possession until the product is removed from the state of Arizona through a border inspection station designated by the inspector, and such removal noted on said notice.
2. The operator of a common or private carrier shall surrender the "Warning-Hold for Agricultural Inspection" notice (Driver's copy) at the specified border inspection station.
3. The operator of a passenger vehicle, recreational vehicle or bus shall secure a Warning Transit Card from the inspector who placed the product under quarantine and have it in his possession until the product has been transported to a point outside the state of Arizona and his copy of the card will then be mailed to the Commission office at Phoenix.

K. Actions when violations occur: Any person who violates the provisions of this regulation by failing to comply with the requirements of the "Warning-Hold for Agricultural Inspection" notice, or the Warning Transit Card, or who violates the instructions of the enforcing officer or breaks the seals of the sealed vehicle or delivers product under quarantine before it has been released by an inspector of the Arizona Commission of Agriculture and Horticulture, shall be required to submit all loads for total inspection at a border quarantine inspection station, or other location where apprehended, as required by the Entomologist.

L. Inspection points: The following classes of inspection points are maintained by the state of Arizona. The names of the communities which constitute an inspection point, and the class of each location is designated below:

1. Class "A" inspection points - Highway inspection stations which inspect vehicles entering the state of Arizona. Such stations are maintained on a 24-hour-a-day basis and will perform all types of inspection:

Cameron	Sanders
Douglas	San Simon
Ehrenberg	Solomon
Kingman	Springerville
Parker	Yuma

2. Class "B" inspection points - Points where full-time inspectors are located and where inspection will be made during regular working hours, or after working hours by special arrangements with the district supervisor:

Casa Grande	Safford
Nogales	Tucson
Parker	Willcox
Phoenix	Yuma

3. Class "C" inspection points - Points where part-time inspectors are located, and where inspections will be made during regular working hours upon call:

Bisbee	Show Low
Cottonwood	Sierra Vista
Flagstaff	Superior
Lake Havasu City	Wickenburg
Prescott	

4. Class "D" inspection points - Points where inspectors will make calls to make inspections upon request made to the nearest Class "A", "B", "C" inspection point:

Bowie	Inspiration
Buckeye	Mesa
Central	Miami
Chandler	Marana
Clarkdale	Peoria
Claypool	Pima
Coolidge	Poston
Duncan	Stanfield
Eagar	Somerton
Eloy	Sun City
Florence	Tempe
Gilbert	Thatcher
Globe	Warren
Glendale	

M. Forwarding shipments to designated inspection points: All shipments of plants, plant products, other agricultural products, or equipment entering Arizona which are subject to inspection must be inspected at an "A", "B", "C" or "D" inspection point, except railroad carload shipments which may be inspected at destination upon request (see (N)). Less than railroad carload shipments consigned to a point in Arizona not listed as an inspection point will be forwarded to the nearest inspection point for inspection at the expense of the consignee or the shipper. The Federal Terminal Inspection Act, which applies to parcel post shipments and postal regulations pertaining to the forwarding of such shipments, will be in force.

N. Railroad carload shipments: Railroad carload shipments will be inspected at destination. However, if destination is not listed as an inspection point, the Office of the State Entomologist must be notified in sufficient time to make arrangements to have an inspector at the point of destination.

O. Transportation of materials subject to inspection within the state:

Common or private carriers will not transport shipments containing articles which require inspection from Points "A", "B", "C" or "D" to a point not listed as an inspection point unless the shipment bears a tag, sticker or stamped, "Arizona Commission of Agriculture and Horticulture - Inspected and Released". Shipments which require inspection shall never be released to the consignee until the common or private carrier has in his possession a Certificate of Release issued by an inspector of the Arizona Commission of Agriculture and Horticulture, except as provided by (D)(2).

P. Inspection certificates and permits from other states: Inspection certificates, treatment certificates and permits issued by plant quarantine officials of other States are not valid as Certificates of Release within the state of Arizona.

Q. Nursery stock labeling:

1. All nursery stock or plants shipped into the state of Arizona, or from one point to another within the state of Arizona, shall be labeled with the following information:
 - a. Name and address of shipper
 - b. Name and address of consignee

- c. Certificate of Inspection executed by an authorized inspector of the state of origin
 - d. State or country where grown
 - e. The botanical name or common name of all plants. (When a number of each species or variety of plants is included in one shipment to one consignee, only one of each species or variety need be labeled, but when only one of each species or variety is labeled, a statement of the number of each variety or species must accompany the shipment.)
- 2. The above labeling requirements are general in nature and are required in addition to certificates required by separate quarantine regulations.
- R. Responsibilities of Arizona inspectors:**
 - 1. Arizona inspectors will, upon request and by appointment, inspect noncommercial parcels of nursery stock or plants being shipped by mail, express or any other common carrier. A Certificate of Inspection will be issued by the inspector for each parcel to be shipped provided it is free of insect pests and diseases and meets the requirements of the state of destination. These provisions apply only to individuals desiring to make shipments and not to nurseries or firms engaged in the business of growing or shipping plants.
 - 2. Inspectors of the Commission are not authorized to attempt to separate apparently uninfested or uninfected plants or trees from a shipment found to be infested or infected with a plant pest.
 - 3. Inspectors of the Commission will not attempt to determine whether surface pests are dead or alive. The presence of dangerous pests will be cause for rejection unless plants, plant products, or other agricultural products or equipment are treated and properly certified.
 - 4. If, after treatment, examination reveals that the pests are still alive, the produce may be held under quarantine for further treatment, destruction or shipment out of state.
- S. Postal laws and regulations:** All United States Postal Service Plant Quarantines and the associated rules and regulations will be followed for all United States mail shipments.
- T. General rules:** See "General Rules and Definitions, Article 1."

Historical Note

Former Rule, Quarantine Regulation 2; Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-50 repealed, new Section R3-4-50 adopted effective October 23, 1978 (Supp. 78-5). Section R3-1-50 renumbered to R3-4-201 (Supp. 91-4).

R3-4-202. Packaging, sealing, waxing and coating of nursery stock

- A.** Notice of quarantine: It has been determined that the packaging, sealing, waxing and coating of nursery stock, plants and plant parts in such a manner as to prevent adequate inspection as required by Title 3, Chapter 2, Article 1, Section 3-209, Arizona Revised Statutes, constitutes a menace to the state of Arizona in that plants cannot be adequately inspected to determine the presence of dangerous crop pests. In order to prevent the introduction into the state of Arizona of dangerous plant pests, it is hereby ordered and declared that the packaging, sealing, waxing and coating of nursery stock shipped into the state of Arizona shall be governed by the following regulation.
- B. Packaging of plants:**
 - 1. Nursery stock, plants and plant parts intended for planting or propagation which are shipped into or transported into the state of Arizona from any state or territorial pos-

session of the United States must be packaged, boxed or otherwise wrapped in such a manner as to permit the free and unhampered inspection by inspectors of the Commission.

- 2. The following types of packages, and other similar types, shall be considered a violation of subsection (B):
 - a. Plants packaged in containers which cannot be opened without destroying the package to the extent that the plants can be repackaged or rewrapped to give adequate protection to the viability without supplying additional packing material and moisture to the package.
 - b. Plants packaged or sealed with wire or seals which cannot be opened and resealed without special tools or equipment.
 - c. Plants packaged in individual packages which cannot be readily and quickly opened for inspection without unnecessary loss of inspection time.
- C. Waxes, coatings and films:**
 - 1. Nursery stock, plants and plant parts intended for propagation which are shipped into or otherwise transported into the state of Arizona from any state or territorial possession of the United States must be free of waxes, coatings, films or other materials which, because of their opacity, thickness or color, interfere with or prohibit the free and unhampered inspection by inspectors of the Commission.
 - 2. The following types of coatings, and other similar types, will be considered in violation of paragraph (C)(1):
 - a. Heavy waxes which coat the aerial parts of a plant and prevent inspection,
 - b. Colored waxes or other materials which coat the aerial parts of the plant and change the appearance of the plant surface so as to prevent adequate inspection.
 - c. Plastic films hermetically sealed over the entire plant.
- D. Disposition of plant material:** Upon arrival of plants or plant materials in the state of Arizona which do not meet the requirements of subsections (B) and (C), an inspector will place the plants under quarantine and will notify the shipper in writing, giving the following options:
 - a. Reship the plants or plant parts out of the state of Arizona.
 - b. Furnish the necessary labor and material to open the plants for inspection and repackage the plants after inspection.
 - c. Treat the plants or plant parts in such a manner as to abate any plant pests or diseases which could be present on the plants or plant parts under the supervision and at the direction of an inspector.
 - d. Have the shipment destroyed under the supervision of an inspector.
- E. General rules:** See "General Rules and Definitions, Article 1."

Historical Note

Former Rule, Quarantine Regulation 3. Section R3-1-51 renumbered to R3-4-202 (Supp. 91-4).

R3-4-203. Repealed

Historical Note

Former Rule, Quarantine Regulation 4. Repealed effective October 23, 1978 (Supp. 78-5). Section R3-1-52 renumbered to R3-4-203 (Supp. 91-4).

R3-4-204. Pink Bollworm and the Cotton Boll Weevil Complex

A. Definitions. In addition to the definitions provided in A.R.S. §§ 3-201 and R3-4-102, the following terms apply to this rule:

1. "Crop remnant" means the stalks, leaves, bolls, lint, pods, and seeds of cotton;
2. "Pests" means the pink bollworm, *Pectinophora gossypiella* (Saunders), and the boll weevil complex, *Anthonomus grandis* Boheman complex.

B. Covered commodities. The following articles are host plants or carriers of the pests:

1. Cotton, all parts;
2. Cotton gin trash;
3. Used cotton harvesting machines; and
4. Other materials, products, and equipment that are means of disseminating or proliferating the pests.

C. Processing of cotton gin trash. The person operating the cotton gin within the state shall daily destroy cotton trash by using a disposal fan as prescribed by the *United States Department of Agriculture Domestic Program Manual*, M301.52 Regulatory Procedures (III)(C)(4), revised December 1979. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.

D. Movement of covered commodities within the state.

1. No covered commodity produced or located within an area infested with the pests may be moved out of that area unless a permit is issued by the Director. Persons intending to move, transport, or allow the movement of covered commodities shall provide the Department with the following information before the date of movement or shipment.
 - a. The quantity of the covered commodity to be moved,
 - b. The location of the article,
 - c. The names and addresses of the consignee and consignor,
 - d. The method of shipment, and
 - e. The scheduled date of the shipment.
2. The shipper shall attach all permits to the manifest, waybill, or bill of lading covering the shipment and shall accompany the shipment. Permits shall specify the manner of handling or treating the host plant or carrier. Any treatment pertaining to pink bollworm prescribed by the *United States Department Plant Protection and Quarantine Treatment Manual*, Treatment Schedule Series T200, T300, and T400, revised January 1996, which is applied under official supervision, is prescribed for treating like commodities under the provisions of this rule. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.

E. Cultural practices.

1. Six cultural zones are established in the state:
 - a. Zone "A" -- Yuma County west of a line extended directly north and directly south of Avenue 58E.
 - b. Zone "B" -- Cochise County, Graham County, and Greenlee County.
 - c. Zone "C" -- La Paz County (except the Cibola Valley) and Mohave County.
 - d. Zone "D" -- Pima County and the following portions of Pinal County: T10S, R10E, section 34, 35, and 36, T10S, R11E, section 31, and the Aguila area T7N, R8W and T7N, R9W and T7N, R10W and T7N, R11W to the western boundary of section 35, 26, and 23.

e. Zone "E" -- The following portions of La Paz County: Cibola Valley TIN, R23W and TIN, R24W and T1S, R23W and T1S, R24W.

f. Zone "F" -- All portions of the state not included in zones "A", "B", "C", "D", and "E."

2. No stub, soca, or volunteer cotton shall be grown in or allowed to grow in the state. The landowner shall be responsible for eliminating stub, soca, or volunteer cotton.
3. Except as provided in subsection (E)(4), the grower shall ensure that the crop remnant of the host plant remaining in the field after harvest is shredded and the land tilled to destroy the host plant and its root system with no stalks remaining attached to the soil before the following dates or before planting another crop, whichever occurs earlier: Zone "A", December 15; Zone "B", March 1; Zone "C", January 15; Zone "D", March 1; Zone "E", December 31; Zone "F", February 15.
4. In lieu of the requirements under subsection (E)(3), the crop remnant remaining in the field after the harvest season shall be shredded and the land tilled by the dates specified in subsection (E)(3). The land shall be irrigated and planted to a crop other than cotton before the following dates: Zone "A", December 30; Zone "C", January 30; Zone "E", January 15.
5. A grower who meets the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton before the following dates: Zone "A", February 1; Zone "C", March 1; Zone "E", February 15. A grower who does not meet the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton before the following dates: Zone "A", February 15; Zone "C", March 15; Zone "E", March 1. However, a grower who uses the practice of dry planting shall be allowed to plant cotton 10 days before the planting date for this zone, but not water until the planting date.
6. For all other zones, the earliest planting dates for cotton shall be: Zone "B", March 15; Zone "D", March 15; Zone "F", March 1. However, growers who uses the practice of dry planting shall be allowed to plant cotton 10 days before the planting date for this zone, but not water until the planting date.
7. An agent of the Department shall give written notice to any landowner found in violation of subsection (E). The processes set forth in subsections (E)(3) and (E)(4) shall be repeated, as necessary, to destroy the pests.

F. Advisory Committee. The Department shall appoint an advisory committee consisting of 1 representative from each of the following organizations to make recommendations to the Department on amendments to this rule:

The Arizona Cotton Growers Association,
The Arizona Farm Bureau Federation,
The Arizona Crop Protection Association,
The University of Arizona Experiment Station,
The University of Arizona Extension Service,
USDA-Research,
USDA-APHIS,
The Department of Agriculture, and
A grower from each of the 6 zones.

Historical Note

Former Rule, Quarantine Regulation 5. Amended effective January 24, 1978 (Supp. 78-1). Former Section R3-4-53 repealed, new Section R3-4-53 adopted effective December 2, 1982. See also R3-4-53.01 through R3-4-53.07 (Supp. 82-6). Section R3-1-53 renumbered to R3-

4-204 (Supp. 91-4). Section repealed, new Section adopted effective May 7, 1993 (Supp. 93-2). Amended effective September 22, 1994 (Supp. 94-3). Amended effective July 10, 1995 (Supp. 95-3). Amended effective November 7, 1996 (Supp. 96-4).

R3-4-205. Renumbered

Historical Note

Adopted effective December 2, 1982. See also R3-4-53 and R3-4-53.02 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.01 renumbered to R3-4-205 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2). New Section adopted effective December 20, 1994 (Supp. 94-4). Section R3-4-205 renumbered to R3-4-501 and amended, effective April 9, 1998 (Supp. 98-2).

R3-4-206. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 and R3-4-53.03 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.02 renumbered to R3-4-206 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-207. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01, R3-4-53.02 and R3-4-53.04 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.03 renumbered to R3-4-207 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-208. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.03 and R3-4-53.05 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.04 renumbered to R3-4-208 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-209. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.04, R3-4-53.06, and R3-4-53.07 (Supp. 82-6). Amended effective October 21, 1983 (Supp. 83-5). Amended effective July 24, 1985 (Supp. 85-4). Amended effective May 5, 1986 (Supp. 86-3). Amended effective May 10, 1988 (Supp. 88-2). Amended subsection (B) effective December 27, 1988 (Supp. 88-4). Amended effective December 22, 1989 (Supp. 89-4). Section R3-1-53.06 renumbered to R3-4-209 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-210. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.05 and R3-4-53.07 (Supp. 82-6). Section R3-1-53.06 renumbered to R3-4-210 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-211. Repealed

Historical Note

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.06 (Supp. 82-6). Section

R3-1-53.07 renumbered to R3-4-211 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

R3-4-212. Repealed

Historical Note

Former Rule, Quarantine Regulation 6. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54 adopted as an emergency now adopted without change effective May 15, 1984. See also R3-4-54.01 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54 renumbered to R3-4-212 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

R3-4-213. Repealed

Historical Note

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.01 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.02 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.01 renumbered to R3-4-213 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

R3-4-214. Repealed

Historical Note

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.02 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.03 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.02 renumbered to R3-4-214 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

R3-4-215. Repealed

Historical Note

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.03 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.02, R3-4-54.04 and R3-4-54.05 (Supp. 84-3). Section R3-1-54.03 renumbered to R3-4-215 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

R3-4-216. Repealed

Historical Note

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90

days (Supp. 84-1). Emergency expired. Former Section R3-4-54.04 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.03, and R3-4-54.05 (Supp. 84-3).

Section R3-1-54.04 renumbered to R3-4-216 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2)

R3-4-217. Repealed

Historical Note

Adopted effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.04 (Supp. 84-3). Section R3-1-54.05 renumbered to R3-4-217 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

R3-4-218. Cotton Boll Weevil Pest

A. Definitions

1. "Cotton appliance" means a container used in handling cotton, including sacks, bags, tarps, boxes, crates, and machinery used in planting, harvesting and transporting cotton.
2. "Cotton lint" means the remnant produced when cottonseed is processed in a gin.
3. "Cotton plant" means all parts of *Gossypium* spp., whether wild or domesticated.
4. "Cottonseed" means a seed derived from cotton plants which is destined for propagation or other use.
5. "Fumigation certificate" means a document for a prohibited product signed by a state or U.S.D.A. agricultural inspector, which specifies the chemical used, the treatment schedule, and the commodity treated.
6. "Gin trash" means organic waste or materials resulting from the ginning of cotton.
7. "Hibiscus" means all parts of *Hibiscus* spp.
8. "Prohibited products" means any cotton product as defined in subsection (A).
9. "Spanish moss" means all parts of *Tillandsia usneoides*.

B. Quarantine

1. A quarantine is established against the Cotton Boll Weevil, *Anthonomus grandis* Boheman.
2. The area under quarantine shall apply to cotton producing states, with the exception of California.

C. Prohibited Products.

1. Except as provided in subsections (D), (E), and (F), the following cotton products shall be prohibited from entering Arizona.
 - a. Gin trash
 - b. Cotton lint
 - c. Cottonseed
 - d. Used cotton appliances which have any cotton plants attached or contained therein.
 - e. Cotton plants
 - f. Spanish Moss
 - g. Hibiscus plants

D. Special permits

1. Individuals may apply to the Director of the Commission of Agriculture and Horticulture for a special permit for shipment of prohibited products into Arizona from the quarantine area. Applicants for the special permit shall submit a letter to the Commission which includes the following information.

- a. Quantity of prohibited product to be shipped into Arizona.
- b. County and state of origin of prohibited product.
- c. Shipper's name, address, and phone number.
- d. Carrier's name, address, and phone number.
- e. Arizona destination receiver, address, and phone number.
- f. Treatments or processing techniques at place of origin, including name of processor.
- g. Final disposition of prohibited product in Arizona.
- h. Calendar period during which shipments are to be made.
- i. Method of shipment, i.e., truck, rail, etc.
- j. Route by which prohibited product will be shipped.
2. Applicants may apply for a special permit for the following:
 - a. Cottonseed which has been treated by one of the following methods:
 - i. Acid or flame process in a gin;
 - ii. Machine processed by grinding or pulverizing;
 - iii. Heat treatment as specified in attached Appendix; or
 - iv. Fumigation;
 - b. Spanish Moss which has been treated by one of the following methods:
 - i. Commercial drying; or
 - ii. Chemical treatment using a pesticide which is registered and labeled for use on such commodities to kill boll weevil.
 - c. Cotton list which has been impact-fan treated in a gin.
3. A special permit shall be issued by the Director upon a determination that the treatments or processing techniques specified in paragraph (2) which have been used on the prohibited products will prevent the entry of the Cotton Boll Weevil pest into Arizona. A transporter may not transport a prohibited product into Arizona without first receiving a special permit. Said special permit shall be presented on demand.
- E. Certificate of Fumigation.** The following products shall be allowed entry into Arizona if accompanied by a Certificate of Fumigation demonstrating compliance with fumigation procedures specified in the attached Appendix.
 1. Used cotton appliances which have cotton plants attached or contained therein.
 2. Spanish Moss.
 3. Gin trash.
- F. Special Shipments.** The following prohibited products shall be allowed entry into Arizona without a special permit or Certificate of Fumigation:
 1. Spanish Moss in quantities of less than one pound which is intended for private decorative use and which has been found free of pests by a Commission inspector.
 2. Potted Hibiscus plants, fewer than 12 in number, transported in private vehicles which have been found free of pests by a Commission inspector.
- G. Violations.** Products shipped into or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed in accordance with A.R.S. §§ 3-207, 3-208, 3-209, and 3-210.

Appendix to R3-4-218

- A. Cottonseed, sacked or packaged, Methyl Bromide fumigation, vacuum method. This method may be used for the treatment of small lots of cottonseed samples only. A sustained vacuum equivalent to 24.5 inches of mercury shall be maintained.

Type of Enclosure	Exposure Period Dosage	
	Temperature (F°)	lbs/100 cu. ft.
Chamber Vacuum	40° or above	4 lbs.

Exposure Period
2 hours

- B. Cottonseed, sacked or packaged, by Methyl Bromide fumigation, atmosphere fumigation method.

Type of Enclosure	Average Load	Exposure Period Dosage		Circulation Period
		12 hours	24 hours	
Chamber or Tanks	Temperature (F°)	Lbs/1000	Lbs/1000	
	cu. ft.	cu. ft.		
Chamber or Tanks	60° or above	6	3	30 min.
	Below 60°	7	4	30 min.
Freight Cars and Vans	60° or above	-	7	30 min.
	Below 60°	-	8	60 min.
Tarpaulins	40° or above	7	5	60 min.
	Below 40°	8	6	120 min.

Limitations: The sacks or packages containing the prohibited product shall not be composed of a nonpermeable layer such as a polyethylene or cellophane film, wax paper or tar.

- C. Bulk cottonseed, cottonseed hulls, gin trash, and Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load	Exposure Period Dosage		Circulation Period
		12 hours	24 hours	
Chamber or Tanks	Temperature (F°)	Lbs/1000	Lbs/1000	
	cu. ft.	cu. ft.		
Chamber or Tanks	60° or above	6	4	15 min.
	Below 60°	7	5	15 min.
Freight Cars and Vans	60° or above	-	7	15 min.
	Below 60°	-	8	30 min.
Tarpaulins	40° or above	7	5	15 min.
	Below 40°	8	6	30 min.

Limitations: When treating bulk commodities, the depth of the commodities shall be kept under five feet unless an approved forced circulation system is used to assure satisfactory distribution of fumigant.

- D. Bulk propagative cottonseed, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags	1-20 cc ampule	24 hours
2 1/2 feet x 6 feet	2-20 cc ampules	12 hours

- E. Cotton appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load	Exposure Period Dosage			Circulation Period
		3 hours	4 hours	12 hours	
Chamber or Tanks	Temperature (F°)	Lbs/1000	Lbs/1000	Lbs/100	
	cu. ft.	cu. ft.	cu. ft.		
Chamber or Tanks	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	-	5	30 min.
Freight Cars and Vans	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.
Tarpaulins	40° or above	8	-	4	30 min.
	30° - 39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.

- F. Cotton sacks or small appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags	1-20 cc ampule 1/2 loaded bag	3 hours
2 1/2 feet x 6 feet	2-20 cc ampules more than 1/2 loaded bag	3 hours

Appendix to R3-4-218

G. Bulk cottonseed, heat treatment method. Heat to core temperature of 150° F. minimum and hold at that temperature for 30 seconds minimum.

Historical Note

Former Rule, Quarantine Regulation 7. Section R3-4-55 repealed, new Section adopted effective August 16, 1990 (Supp. 90-3).
Section R3-1-55 renumbered to R3-4-218 (Supp. 91-4).

R3-4-219. Citrus Fruit Surface Pest**A. Definitions**

1. "Certificate" means a document signed by an agent of the Department of Agriculture from the state of origin attesting to a pest treatment or absence of a pest.
2. "Commodities" means fruit of all varieties and species of the genera citrus, poncirus, and all hybrids, including appliances used in citrus groves or other areas in picking, packing or handling fruit which are capable of spreading the pests or diseases as defined in R3-4-102.
3. "Department of Agriculture" means an agent of the state of origin from which commodities, as defined in subsection (D), are shipped into Arizona.
4. "Director" means the Director of the Arizona Department of Agriculture.
5. "Inspector" means an inspector of the Arizona Department of Agriculture.
6. "Pests" means:
 - a. California Red Scale, *Aonidiella auranti*
 - b. Chaff scale, *Parlatoria pergandii*
 - c. Citrus Canker, *Xanthomonas campestris var. citri*
 - d. Citrus Rust Mite, *Phyllocaptruta oleivora*
 - e. Comstock Mealybug, *Pseudococcus comstockii*
 - f. Florida Red Scale, *Chrysomplalus aonidum*
 - g. Fullers Rose Weevil, *Pantomorus cervinos*
 - h. Glover scale, *Lepidosaphes gloverii*
 - i. Purple scale, *Lepidosaphes beckii*
 - j. Yellow scale, *Aonidiella citrina*
7. "Stamp" means a label or printed legend placed on cartons by the Department of Agriculture which identifies the contents as having been treated in a manner to prevent the transmission of pests into Arizona.

B. Quarantined areas. All areas outside the state of Arizona and all areas within the state of Arizona declared infested by the Director.

C. Conditions for admission into Arizona.

1. Fruit which originates outside the state shall not be allowed entry until it has been treated by one of the methods listed in Appendix A of this Section and meets the following conditions:
 - a. Except for tangerines and lemons, the condition of fruit shall be free of stems, leaves, and plant parts. Tangerines and lemons may be admitted with stems which do not exceed 1/2 inch in length with no leaves attached.
 - b. A certificate shall accompany each shipment confirming that the treatment was done under state supervision and specifying the variety and quantity of fruit treated, the place, date, and method of treatment.
 - c. Before delivery to the retail sale outlet, every carton of treated fruit shall be identified by a stamp which states "PROCESSED IN ACCORDANCE WITH ARIZONA REQUIREMENTS".
2. The Director may issue a permit exempting shipments of fruit from treatment, which permits shall include the following:

- a. Certification that the quarantined area or commodity involved is free of scale pests.
- b. Certification that reports:
 - i. Origin of the fruit in each shipment.
 - ii. Fruit has been cleaned, packed, and handled in a commercial packing house in the usual manner of preparing fruit for interstate commerce and complies with the requirements of Appendix A of this Section.
 - iii. Name of consignee and consignor.
 - iv. Statement of quantity of fruit.
 - v. Date of shipment.

3. Noncommercial quantities consisting of 20 pounds or less of fruit, originating from an area free of internal fruit pests, may be inspected by an inspector for surface pests. If found free of surface pests, it shall be admitted without meeting the requirements of subsection (F).

D. Conditions for movement of fruit originating within Arizona.

1. Commodities found to be infested with any of the pests covered in subsection (A)(5) shall be held under quarantine at the place found or moved to a designated area for treatment as prescribed by the Director.
2. Quarantined fruit shall be released by the Director only under one of these conditions:
 - a. The shipment is immediately removed from the state under the supervision of an inspector, or
 - b. The shipment receives treatment immediately to kill the pests involved under the supervision of an inspector in accordance with treatments listed in Appendix A of this Section.

E. Citrus canker exclusion. No treatment is recognized effective for citrus canker bacterial infection. All shipments from canker-infected areas or found to be infected with citrus canker shall immediately be shipped out of Arizona or destroyed at owner's expense.

F. Treatment methods. Required treatment for covered pests on fruit or appliances are listed in Appendix A of this Section.

G. Violations. Commodities shipped into or moved within Arizona in violation of this rule shall, at the option of the Department of Agriculture, immediately be shipped out of the state, returned to the state of origin, or destroyed in accordance with A.R.S. § 3-210.

Appendix A

- A. General requirements for fumigation of fruit, using either cyanide or methyl bromide.**
1. Cartons shall be vented to allow adequate circulation of the fumigant and air.
 2. Cartons shall be arranged on pallets or in trucks with slatted bottoms to allow adequate fumigant and air circulation.
 3. A fan of sufficient power to circulate the entire air volume in the chamber every five minutes shall be used during the fumigation.
 4. Tarps used shall be gas-tight and free of holes. Vans used shall be rendered gas-tight by taping all openings around doors, drains and vents.

5. Fruit shall be free of surface moisture to avoid damage to fruit.
 6. Temperatures required relate to the core fruit temperature.
 - B.** Fruit or appliances shall be fumigated with cyanide at atmospheric pressure in a gas-tight fumigation chamber of approved design for a period of one hour under the following conditions.

Pulp Temperature	Rate per 100 cu. ft.
60°F. to 85°F.	25cc HCN gas

 Circulation must be maintained during the entire fumigation period.
 - C.** Special requirements for methyl bromide fumigation. Fruit or appliances shall be fumigated at atmospheric pressure in a gas-tight chamber of approved design using methyl bromide gas for a period of two hours under the following conditions.

Pulp Temperature	Rate per 1000 cu. ft.
No less than 60°F. to 79°F.	3 lbs.
80°F. or above	2 1/2 pounds
 - D.** Oil dip for scale pests. The fruit shall be completely submerged for a period of not less than five minutes in a 3% concentration of an oil emulsion. The stock emulsion shall contain no less than 80% oil by volume of an oil that tests no less than 70 viscosity S.S. and no less than 90 unsulfonated residue. The apparatus used in this treatment shall be equipped with an agitator that will insure a dipping medium of uniform consistency throughout. The temperature of the dipping emulsion shall be maintained at or above 50°F. during treatment. The dipping emulsion shall be prepared fresh daily or more often if the tank becomes fouled with debris. Used emulsion shall be disposed of as per label. The tank shall be thoroughly cleaned daily or more often if it becomes fouled with debris. If water used has a high mineral content, appropriate softener shall be added to the emulsion.
- Historical Note**
- Former Rule, Quarantine Regulation 8. Repealed effective December 19, 1980 (Supp. 80-6). Adopted as an emergency effective April 11, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-2). Emergency adoption expired. Permanent rule adopted effective November 15, 1984 (Supp. 84-6). Former Section R3-4-56 repealed, former Sections R3-4-56.01 through R3-4-56.04 renumbered and amended as Section R3-4-56 effective June 20, 1986 (Supp. 86-3). Repealed June 29, 1990 (Supp. 90-2). New Section adopted effective April 11, 1991 (Supp. 91-2). Section R3-1-56 renumbered to R3-4-219 (Supp. 91-4).
- R3-4-220 Citrus Nursery Stock Pests**
- A.** Jurisdiction. The entry of commodities covered into the state of Arizona shall be governed by the following rule.
 - B.** Pests Covered.
 1. Citrus bud mite *Eriophyes sheldoni*, Ewing.
 2. Citrus red mite *Panonychus citri*, McGregor.
 3. Citrus Rust mite *Phyllocoptura oleivora*, Ashm.
 4. Comstock Mealybug *Pseudococcus comstocki*, Kuwana.
 5. Quick Decline, Tristeza disease.
 - C.** Area Under Quarantine. The quarantined area shall include all areas outside of the state of Arizona and any area found infested within the state of Arizona.
 - D.** Commodities Covered.
 1. All varieties and species of the genera Citrus, Fortunella, Poncirus, and all hybrids thereof, either among the same genera or with other genera, the tree, plants, and parts thereof, including seeds, leaves, buds, scions, cuttings, seedlings, and rootstock, and any other plant when found infested with any pest set forth in subsection (B) of this rule.
 2. Any materials, appliances or vehicles used in citrus groves or any other area, in the picking, packing, or handling of citrus nursery stock, which by reason of exposure or contact would constitute a risk of spreading the insect pests as set forth in subsection (B) of this rule.
 3. Soil from citrus groves or nurseries.
 - E.** Conditions for Admission.
 1. Citrus nursery stock shall be admitted to the state only under permit issued by the Director of the Commission of Agriculture and Horticulture pursuant to this rule. The original permit shall accompany each and every shipment and applicable certification tags shall be attached to the commodities covered. Each shipment shall be subject to further inspection for insect pests and diseases and to the following requirements.
 - a. Each shipment of nursery stock or, in the case of buds, budwood, scions, and cuttings, the parent trees shall be certified by an Inspector of the state of origin, or by the U.S. Department of Agriculture, that it has been indexed and found free of Tristeza and other pathogens specified in the permit. In the event such certification cannot be obtained, the nursery stock shall be consigned, after prior arrangements, to the Citrus Experimental Station of the University of Arizona for immediate indexing and testing for Tristeza and other pathogens.
 - b. The certificate referred to in subsection (E) of this rule shall state that the nursery stock was grown on property which had been inspected at least once during the 12 months prior to the date of shipment. In addition, the certificate shall state that none of the pests listed by the Director of the Commission of Agriculture and Horticulture in the application for permit were found on the premises where the nursery stock was grown, or on any property within one mile of those premises. If one or more of the insect or mite pests listed are known to exist in the designated area of those premises, the nursery stock shall be given the appropriate treatment set forth in subsection (F) of this rule. The treatment given the nursery stock shall be listed on the certificate issued by the Inspector of the state of origin.
 - c. The certificate referred to in paragraph (E)(1) of this rule shall state that the nursery stock was stored or held in an area where none of the pests listed in the application for permit are known to occur. The nursery stock shall have been inspected within two weeks prior to shipment by an Inspector of the state of origin and found free of dangerous insect pests and plant diseases.
 2. Citrus Appliances. Any commodity listed in paragraph (D)(2) of this rule shall be admitted to the state of Arizona only after it has been given one of the treatments specified in subsection (F) of this rule and if it is accompanied by a Certificate of Treatment signed by a plant quarantine official of the state or area of origin.
 3. Intrastate Movement of Citrus Nursery Stock. Citrus nursery stock, including citrus trees, plants, buds and scions, which is infested or infected with any pest named in subsection (B) of this rule, shall be moved from one designated area to another within the state of Arizona only after it has been inspected by an Inspector and if it is accompanied by a Certificate of Inspection signed by an Inspector of the Commission.

F. Treatments.

1. Vacuum Cyanide Fumigation for Whiteflies, Mealybugs, or Mites. Citrus nursery stock shall be fumigated using a dosage of one ounce of sodium cyanide, or its equivalent, per 100 cubic feet of chamber space, at 27-inch mercurial vacuum. Fumigation shall cover a period of not less than one hour after the fumigator has been properly charged and the chamber has reached a 27-inch mercurial vacuum.
2. Methyl Bromide Fumigation for Mealybugs or Mites.
 - a. Pretreatment. Nursery stock shall be in good, healthy condition, turgid, and under as little shock as possible. When atmospheric temperature is below 80° Fahrenheit during the day, nursery stock shall be preheated for a period of 2 hours at 80° Fahrenheit.
 - b. Treatment.
 - i. Dosage. 2 1/2 pounds methyl bromide per 1,000 cubic feet of chamber space.
 - ii. Exposure. Two hours.
 - iii. Temperature. At least 80° Fahrenheit.
 - iv. Humidity. 75 percent or over.
 - v. Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. Load shall not exceed 400-500 trees per 1,000 cubic feet.
 - vi. Circulation and Chamber. Chamber shall be gastight, of the design approved by federal or state authority, and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.
 - c. Post treatment. Fumigated stock shall be kept away from sunlight and wind for 48 hours.
3. Oil Dip - Citrus Nursery Stock for Mites.
 - a. Dip all nursery stock and citrus trees, using either 1 3/4 percent light-medium emulsive oil, or 2 percent light-medium emulsion, plus 1/4 pound actual chlorobenzilate per 100 gallons water. The apparatus used in the application of this treatment shall be constructed to permit complete submersion of all above-ground portions of the plants and shall be equipped with an agitator that will insure a dipping medium of uniform consistency throughout.
 - b. The water temperature in the dipping tank shall not be allowed to drop below 50° Fahrenheit or rise above 100° Fahrenheit during the time of treatment. The dipping tank shall be completely drained and cleaned. A new batch of fresh ingredients shall be prepared and used at least daily, or more often if the ingredients become fouled with debris.
4. Methyl Bromide Fumigation - Citrus Nursery Stock for Mites.
 - a. Pretreatment. The nursery stock shall be in good healthy condition, turgid, and under as little shock as possible. When the atmospheric temperature is below 80° Fahrenheit during the day, the nursery stock shall be preheated for a period of two hours at 80° Fahrenheit.
 - b. Treatment.
 - i. Dosage. 1 3/4 pounds of methyl bromide per 1,000 cubic feet of chamber space.
 - ii. Exposure. Two hours.
 - iii. Temperature. At least 80° Fahrenheit.
 - iv. Humidity. 75 percent or over.
 - v. Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. The load shall not exceed 400-500 trees per 1,000 cubic feet.
 - vi. Circulation and Chamber. The chamber shall be gastight, of the design approved and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.
 - c. Post treatment. Keep the fumigated stock from sunlight and wind for 48 hours.
5. Chlorpyrifos Treatment for Mealybugs or Mites. Chlorpyrifos in a 4-pounds-per-gallon 4E formulation, registered for such use in an emulsion of narrow range spray oil, petroleum oil NR-415 emulsive.
 - a. Dip. Totally submerge the plant material for two minutes, remove for one minute, and submerge again for one minute in an agitated mixture; then remove the plant material and let dry.
 - b. Spray/Drench. Spray thoroughly the trunk, branches, leaf buds, and top and bottom surfaces of foliage to the point of run-off. The dip or spray/drench mixture shall be continuously agitated throughout the treatment procedure. Treatment emulsion is prepared by adding 4.7 milliliters of Chlorpyrifos 4E to 19 milliliters of 415-oil in one gallon of water. For larger quantities, 16 ounces of Chlorpyrifos 4E is added to 64 ounces of 415-oil in 100 gallons of water.

- G. Disposition of Violations.** Commodities covered by this rule which are shipped into the state of Arizona or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director of the Commission of Agriculture and Horticulture and supervision of an Inspector of the Commission.

Historical Note

Former Rule, Quarantine Regulation 9. Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-57 renumbered to R3-4-220 (Supp. 91-4).

R3-4-221. Repealed**Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.01 renumbered to R3-4-221 (Supp. 91-4).

R3-4-222. Repealed**Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.02 renumbered to R3-4-222 (Supp. 91-4).

R3-4-223. Repealed**Historical Note**

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2).

90-2). Section R3-1-57.03 renumbered to R3-4-223 (Supp. 91-4).

R3-4-224. Repealed

Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.04 renumbered to R3-4-224 (Supp. 91-4).

R3-4-225. Repealed

Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.05 renumbered to R3-4-225 (Supp. 91-4).

R3-4-226. Scale insect pest

- A.** Pests covered: All scale insects belonging to the family *Diaspididae*.
- B.** Area under quarantine:
1. The areas under quarantine for California Red Scale, *Aonidiella aurantii* (Maskell) and Yellow Scale, *Aonidiella citrine* (Coquillett), are the entire commonwealth of Puerto Rico, the states of California, Florida, Georgia, Texas, and the counties of Dallas and Escombia in Alabama.
 2. The areas under quarantine for Florida Red Scale, *Chrysomphalus aonidum* (Linnaeus), and Green Shield Scale, *Pulvinaria psidii* (Maskell), are the entire commonwealth of Puerto Rico, the states of Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Texas, and the counties of Mobile, Macon, Lee, and Montgomery in Alabama.
- C.** Commodities covered: The covered commodities are the plants and plant parts, fruit, except seed, of those genera or species listed below which are hosts of the scale insect pests listed.
1. For California Red and Yellow Scales, the primary host plant is *Euonymus* spp.; the secondary host plants are *Rosa* spp. (rose), *Ilex* spp. (holly), *Camellia* spp., *Cycas* (Sago Palm), and *Ligustrum japonicum* (Waxleaf Privet), and all species of the genera *Citrus*, *Fortunella*, *Poncirus* and all hybrids thereof.
 2. For Florida Red Scale and Green Shield Scale, the host plants are *Chrysalidocarpus* spp. (Areca Palm), *Draecena* spp., and *Ficus* spp. (Weeping Fig; Fig).
- D.** Conditions for admission for California Red and Yellow Scale: The covered commodities listed in R3-4-226(C)(1) are prohibited entry into Arizona from the area under quarantine in R3-4-226(B), unless they meet one of the following conditions:
1. Bare-root roses: The shipment shall consist only of roses in a completely defoliated condition, free of California Red or Yellow Scale.
 2. Miniature roses: Shipment shall be free of California Red or Yellow Scale.
 3. Small lots of host plants, except *Euonymus*: The shipment shall consist only of 25 or fewer secondary host plants which are for private use and not for sale. All plants shall be free of scale insects.
 4. Cut holly: The shipment shall consist only of holly cuttings for decorative purposes brought in between October 25th and January 1st and shall be found free of scale.
 5. Host plants (except *Euonymus*) from scale-free area: The shipment shall be accompanied by a permit issued by the

Arizona State Entomologist. The Arizona State Entomologist shall issue a permit to a shipping nursery if the following conditions are met:

- a. An authorized agricultural official at origin annually files with the Arizona State Entomologist a report, based on extensive and continuous surveys, which defines an area of not less than 180 square miles where pests covered in R3-4-226(A) are not known to exist; and
 - b. All host plants shipped from the nursery shall be grown from seed or cuttings within the area or shall be grown within the area for a minimum of two years.
6. All other: The shipment shall be accompanied by a certificate issued by an authorized agricultural official stating the name and address of the shipper and consignee, the number and species of the plants to be shipped, the date issued, and that the commodity has been treated or inspected within five days of shipment in the appropriate manner listed below.
- E.** Conditions for admission for *Euonymus*: *Euonymus* shall be treated by one of the following methods:
1. Methyl Bromide Fumigation: Fumigation at atmospheric pressure in a gas-tight enclosure of approved design using methyl bromide gas registered for such use, for a period of two hours with at least 75 percent humidity under the following conditions:
 - a. Gas-tight tarpaulin used to cover and enclose commodity.

Fumigated	Rate per 1,000 cu. ft.
Temperature	
60° - 69°F	3 1/2 pounds of gas
70° - 85°F	3 pounds of gas
 - b. Fumigation Chamber.

Fumigated	Rate per 1,000 cu. ft.
Temperature	
60° - 69°F	3 pounds of gas
70° - 85°F	2 1/2 pounds of gas
 - c. All chambers and tarpaulin enclosures shall be equipped with a circulation fan and the fan shall be operated for a period of 20 minutes following complete introduction of the gas.
 2. Sodium Cyanide 99%
Chamber fumigation: 25cc HCN gas per 100 cu. ft. for one hour at not less than 18.3°C (60°F) or more than 29.4°C (85.3°F). See label for method of generating HCN gas from sodium cyanide. Circulation shall be maintained during entire fumigation period.
- F.** Conditions for admission for secondary hosts. All hosts except *Euonymus* shall be allowed entry if one of the following criteria is met:
1. Treatment by one of the fumigation methods is listed in R3-4-226(E) *Cycas* and *Camellia* shall not be fumigated.
 2. Plants are inspected and no California Red or Yellow scale is found.
- G.** Conditions for admission by Special Permit: A compliance agreement shall be initiated between individual nurseries and the Commission. This agreement shall permit covered commodities to be shipped into Arizona from a nursery located in the quarantined area with the following restrictions:
1. The nursery shall be inspected annually by an agricultural inspector of the state of origin. If the nursery is found apparently free of live California Red Scale, California Yellow Scale, Florida Red Scale and Green Shield Scale, a certificate attesting to that fact shall be issued and signed by that inspector.

2. All host plants covered in R3-4-226(C)(1) and (2) shall be treated upon arrival at the permitted nursery using the Chlorpyrifos + oil method listed in R3-4-226(G)(6).
 3. Euonymus shall be treated again, no more than 15 days prior to shipment into Arizona, using one of the fumigation techniques listed in R3-4-226(E).
 4. All plants except Euonymus shall be treated again, no more than 15 days prior to shipment into Arizona, using the Chlorpyrifos + oil technique listed in R3-4-226(G)(6).
 5. If live scale is found at destination in Arizona, the shipment shall be rejected and the nursery's permit shall be revoked.
 6. Chlorpyrifos in a 4 lb. per gallon (4E) formulation registered for such use in an emulsion of narrow range spray-oil (Petroleum oil, NR-415, emulsive, EPA No. 464-448-AA).
 - a. 4.7 ml of Chlorpyrifos 4E plus 19 ml of narrow range 415 oil per gallon of water or
 - b. 16 fluid ounces of Chlorpyrifos 4E plus 64 ounces of narrow range 415 oil per 100 gallons of water.
 - c. Methods of application:
 - i. Dip: Totally submerge plant material for two minutes. Remove for one minute, and submerge again for one minute in an agitated mixture, then remove and let dry, or
 - ii. Spray: Spray thoroughly the trunk, branches, leaf buds, and all surfaces of all foliage to the point of run-off. The dip or spray-drench mixture shall be continuously agitated throughout the treatment procedure.
- H. Conditions for admission for Florida Red and Green Shield Scale:** the covered commodities listed in subsection (C)(2) are prohibited entry into Arizona from the area under quarantine listed in subsection (B)(2), unless they meet one of the following criteria.
1. Cuttings: The shipment shall consist only of unrooted cuttings for propagation which are inspected by an inspector of the Commission and found free of Florida Red Scale and Green Shield Scale. The shipment shall not contain more than eight cubic feet of cuttings.
 2. Small lots: The shipment shall consist of only 25 or fewer host plants which are for private use, not for sale, and which are inspected by an inspector of the Commission and are found free of scale insects.
 3. Certificate of Inspection or Permit: The shipment shall be accompanied by a certificate issued by an authorized agricultural official of the shipping state or district, affirming that:
 - a. Either the shipment has been inspected not more than five working days prior to shipment and no Florida Red Scale or Green Shield Scale was found; or
 - b. The shipping nursery shall obtain a permit.
 - i. Criteria for permit: All covered commodities shall originate from a nursery which has been inspected and found free of Florida Red Scale and Green Shield Scale on an annual basis by an authorized agricultural official. In the case that any covered pests are found in that nursery, the Department of Agriculture of the state of origin shall certify that the plants have been treated in accordance with the permit which has been issued by the Arizona State Entomologist.
 - ii. Criteria for suspension or revocation of permit: If permitted nursery is found to be infested with live Florida Red Scale or live Green Shield Scale, permit shall be suspended until such time that the State Entomologist determines that the nursery qualifies for recertification.
- I. Disposition of violations:** Any quarantined commodity found in violation of this rule or found to be infested with any of the scale insects listed in this rule shall immediately be sent out of state or destroyed at the option and expense of the owner or the owner's responsible agent and under the direction of the Arizona State Entomologist or his representative.
- Historical Note**
Former Rule, Quarantine Regulation 10; Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-58 repealed, new Section R3-4-58 adopted effective July 13, 1989 (Supp. 89-3). Section R3-1-58 renumbered to R3-4-226 (Supp. 91-4).
- R3-4-227. Repealed**
- Historical Note**
Former Rule, Quarantine Regulation 11. Section R3-1-59 renumbered to R3-4-227 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).
- R3-4-228. European corn borer, *Ostrinia nubilalis* (Hüb.)**
- A. Areas under quarantine:**
1. New Mexico counties: Quay and Union.
 2. Texas counties: Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Robert and Sherman.
 3. All other states and districts of the United States with these exceptions:
 - a. Alaska,
 - b. California,
 - c. Florida,
 - d. Hawaii,
 - e. Idaho,
 - f. Nevada,
 - g. New Mexico counties not included in (A)(1),
 - h. Oregon,
 - i. Texas counties not listed in (A)(2),
 - j. Utah,
 - k. Washington.
- B. Commodities covered:**
1. Corn -- Plants and all parts thereof including shelled corn, stalks, ears, cobs, fragments, or debris of the plant. "Shelled corn" -- means corn kernels separated from all other plant parts.
 2. Sorghum -- Plants and all parts thereof including stalks, heads, fragments, or debris of the plant, EXCEPT combined grain and plant material which has passed through a grain combine.
 3. Those parts of corn and sorghum plants or fragments which are capable of harboring larva or European corn borers are any portion of a host plant of any shape or size which cannot be passed through a 1/2-inch square aperture, and any completely whole, round, uncrushed section, portion or piece of cob, stalk, or stem of one inch or more in length and 3/16 inch or more in diameter.
- C. Restrictions:**
1. Certification required on all corn and sorghum from area under quarantine: Except as provided in paragraph (C)(2) below, each lot or shipment of corn and sorghums grown in or shipped from the area under quarantine described in (A), imported or brought into this state must be accompanied by an official certificate evidencing compliance with one of the following conditions:

- a. Certificates on shelled corn grown in or shipped from the quarantined area described in (A) above must either affirm that said grain has been passed through a 1/2-inch mesh screen or less or otherwise processed prior to loading and is believed to be free from stalks, cobs, stems, or portions of plants or fragments capable of harboring larva of the European corn borer, and, further, that the railroad car or truck was free from stalks, cobs, stems, or such portions of plants or fragments at time of loading, or affirm that said grain has been fumigated by a method and in a manner described by the State Entomologist, and setting forth the date of fumigation, dosage schedule and kind of fumigant used.
 - b. All shipments of combined harvested sorghum grain from the area under quarantine must be visually inspected by an inspector or agent of the State Entomologist to determine if the sorghum grain has been properly processed through a combine harvester or the shipment is covered by a U.S. Grade Certificate of No. 3 or better. Any shipment that does not comply with the requirements of this rule shall be placed under quarantine and forwarded to destination subject to conditions prescribed by the inspector or agent.
 - c. Any lot or shipment of shelled corn arriving in this state which is not accompanied by an official certificate as hereinbefore required, or which is certified on the basis of freedom from contamination with portions of plants or fragments capable of harboring larva of European corn borer as defined above, and which is found to be so contaminated, shall be deemed to be in violation of this rule and subject to disposal as provided in A.R.S. § 3-210.
 - d. All certificates issued in compliance with subparagraph (a) must also set forth the kind and quantity of the commodity constituting the lot or shipment covered thereby, the initials and number of the railway car or license number in the case of truck, and the names and addresses of the shipper and consignee.
2. Certain grain products conditionally exempt from certification: Certification requirements of (C)(1) above are hereby waived on shelled popcorn, seed for planting, and on individual shipments or lots of one hundred pounds or less of other clean shelled corn, or comprised of packages of less than ten pounds, subject to inspection and freedom from portions of plants or fragments capable of harboring European corn borer.
 3. Stalks, ears, cobs, or other parts, fragments, or debris of corn and sorghums admitted under disinfection or treatment certificate: Stalks, ears, cobs, or other parts, fragments, or debris of corn and sorghums, grown in or shipped from the area under quarantine imported as such or as packing or otherwise, will be admitted into the state of Arizona only provided each lot or shipment is accompanied by an official certificate of the state from which shipped, affirming that all stalks, ears, cobs, or other parts, fragments, or debris of such plants accompanied thereby have been treated as listed under (E) of this quarantine and setting forth the date and full particulars of treatment applied.
 4. Manufactured or processed products exempt from restriction: No restrictions are placed by this proclamation upon the movement of the restricted products herein defined which are processed or manufactured in such a manner as to eliminate all danger of carrying the pest herein quarantined against.
- D. Disposition of violations:** Any shipment or lot of quarantined articles as herein defined arriving in Arizona in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents, and under the direction of the State Entomologist or his inspectors.
- E. Treatments:** European corn borer approved treatments:
1. Ear corn (dry):
 - a. Ears of corn to be heated in a chamber at an air temperature of not less than 168°F. for a period of not less than two hours. Ears of corn to be spread out on slat or wire shelves, not more than one layer deep. Air temperatures shall be taken at three points in the chamber and the time of sterilization shall begin when all thermometers reach 168°F. after corn has been placed in the chamber.
 - b. Atmospheric fumigation in a gastight chamber using a dosage schedule of 2 lbs. of methyl bromide per 1,000 cu. ft. for a period of 6 hours at temperature of 70°F. or above.
(CAUTION: Dosage schedules, temperatures, and time or exposure herein indicated should not be exceeded if corn is to be planted.)
 2. Ear corn (green):
 - a. Atmospheric fumigation in a gastight chamber using methyl bromide at the following rates for the period specified to be determined by the temperature of the product and interior of the fumigation chamber:

Temperature	Lbs. per 1,000 cu.ft.	Exposure (hrs.)
73°F. & above	2	2.5
67-72°F.	2.5	2.5
62-66°F.	2.5	3
58-61°F.	2.5	3.5
54-57°F.	2.5	4
50-53°F.	3	4
46-49°F.	3	4.5
42-45°F.	3.5	4.5
38-41°F.	3.5	5
 3. Freight car fumigation:
(CAUTION: All freight cars must be properly tested for leaks and made gastight for the duration of exposure.)
 - a. Bulk ear corn: Atmospheric fumigation for a period of 16 hours using methyl bromide at the following rates to be determined by the temperature of the product and interior of the car during the period of exposure.

Temperature	Lbs. per 1,000 cu.ft.
60°F. & above	3
50-59°F.	3.5
40-49°F.	4
30-39°F.	4.5 (Hot gas method of application must be used at temperatures below 40°F.)
20-29°F.	5
 - b. Fumigation procedure for treating bulk shelled corn in loaded railway cars or van-type trucks as a basis for certification from European corn borer:
 - i. Forced circulation required: The following described method shall be employed as a basis for issuing fumigation certificates on bulk shelled corn treated in railway cars and trucks

to meet the requirements of the European corn borer quarantine.

- (1) All metal cars and vans: Only all metal freight cars or all metal trucking vans shall be used as fumigation chambers. The doors must be single doors and not over 7 feet in width. Doors and other apertures must be sealed in a manner to make them gastight.
- (2) Air circulation system:
 - (a) Each loaded railway car or trucking van shall be prepared so that air can be withdrawn from beneath grain and returned to the space above the load. This shall be provided by a system of probes inserted in the grain and connected by flexible tubing to a portable blower outside of the car which will return the air to the space above the load.
 - (b) The probe system (see diagram) shall consist of ten probes 6 feet in length inserted equidistant in a line down the center of the car so that the perforated tips are near the floor level.
 - (c) The probes are to be connected by flexible tubing proportioned so that there is equal suction on each probe.
 - (d) One doorway shall be sealed with gastight laminated paper. The ducts shall lead through this paper seal to the portable blower.
 - (e) The blower shall have a capacity of not less than 625 c.f.m. against 5-inch static pressure and shall be of a design that can be made gastight. The gas can be introduced as a spray or through a volatizer into the exhaust duct at any point between the blower and the car or van, or introduced directly into the space above the load.
- (3) Details of duct system:
 - (a) The intake side of the blower unit is connected to the inside duct system by a 15-foot length of 6-inch neoprene-coated flexible tubing. Another 15-foot length of 8-inch tubing is attached to the exhaust side of the blower and the other end inserted into a metal collar inserted into the paper grain door above the load.
 - (b) The inside probe and duct system is constructed to neoprene-coated flexible tubing. Two similar systems extend from the center to each end of the car or van and are connected by a Y section to a 5-foot section of 6-inch tubing which extends toward the door. The end of this section is fitted with a 6-inch diameter sheet metal tubing that extends through the paper grain door for connection to the intake side of the blower. (See diagram.)
 - (c) A set of ten probes 6 foot in length are required. Probes are made from

1-1/4-inch I.D. Hard-drawn aluminum tubing. Each probe is fitted with a heavy sheet metal point having four slots 1/16 inch wide by 5 inches long through which air is taken into the duct system. Each probe is attached to the duct system by a section of 1-1/2 inch flexible tubing. (See diagram.)

- (4) Procedure:
 - (a) Lay out the inside probe and duct system on top of the load. Insert probes down the center of the load at 4-foot intervals to a depth near the floor (both end probes to be placed 2 feet from the end of the car). Seal door of car through which intake and exhaust tubes from the blower will connect to the probe-duct system as follows:
 - (i) Heavy laminated paper is placed in the doorway on the outer side of the wooden grain door and sealed to the doorfacing and doorsill by Scotch masking tape. The top edge of this paper is lapped over and fastened to the top edge of the wooden grain door. The remainder of the door opening is covered by a paper grain door to the ceiling of the car.
 - (ii) Loosen the wooden grain door and slip the bottom edge of the paper door down so as to overlap the paper on the wooden door. Then, renail the wooden grain door in place. Seal this lap of paper grain door to the paper covering the wooden door using Scotch masking tape. Nail a 1-inch by 4-inch plank across the top of the paper grain door inside of the car, leaving a sufficient edge of paper above the plank to seal it with masking tape or "bug" putty. (Available from fumigant supply companies, or can be made from 8 parts asbestos, 3 parts calcium chloride and 4 parts water.) Seal with the ends of the paper grain door to the inside wall of the car with masking tape. Cut holes in paper grain door (one 8-inch diameter, one 6-inch diameter). These holes should be cut just above the edge of the wooden grain door so that ducts will rest on the top of the wooden grain door. Seal an 8-inch collar inserted through the hole through which the exhaust duct may be inserted. Then insert the end of the inside duct system out through the 6-inch hole so as to

protrude about 2 inches beyond the paper grain door and to which the intake duct from the blower may be attached. Close the opposite door and all other apertures in the car and seal with masking tape and "bug" putty so as to make the entire car gastight. Connect intake duct from blower to the end of the inside probe system extending through the paper car door. Insert the end of the exhaust duct through the 8-inch collar in the paper grain door and seal with masking tape or "bug" putty. Start blower and introduce the required amount of fumigant. Allow blower to operate continuously for at least ten minutes after fumigant has been discharged. Disconnect intake and exhaust ducts, seal up openings, and close car door. Allow car to remain undisturbed for a period of 16 hours.

- (5) Dosage schedule: Atmospheric fumigation for a period of 16 hours using methyl bromide at the following rates to be determined by the temperature of the product and interior of the car during the period of exposure.

Temperature	Lbs. per 1,000 cu. ft.
60°F. & above	4
55-59°F.	4.5
50-54°F.	5
45-49°F.	5.5
40-44°F.	6
35-39°F.	6.5 (Hot gas method of application must be used at temperatures below 40°F.)

30-34°F.	7
25-29°F.	7.5
20-24°F. (minimum)	8

- (6) Supervision: All fumigation treatments applied as a basis for certification to meet destination state European corn borer quarantines shall be under the direct supervision of the origin State Entomologist or his official inspector. The origin State Entomologist must also determine that all such fumigation equipment and materials used meet the standard established herein.

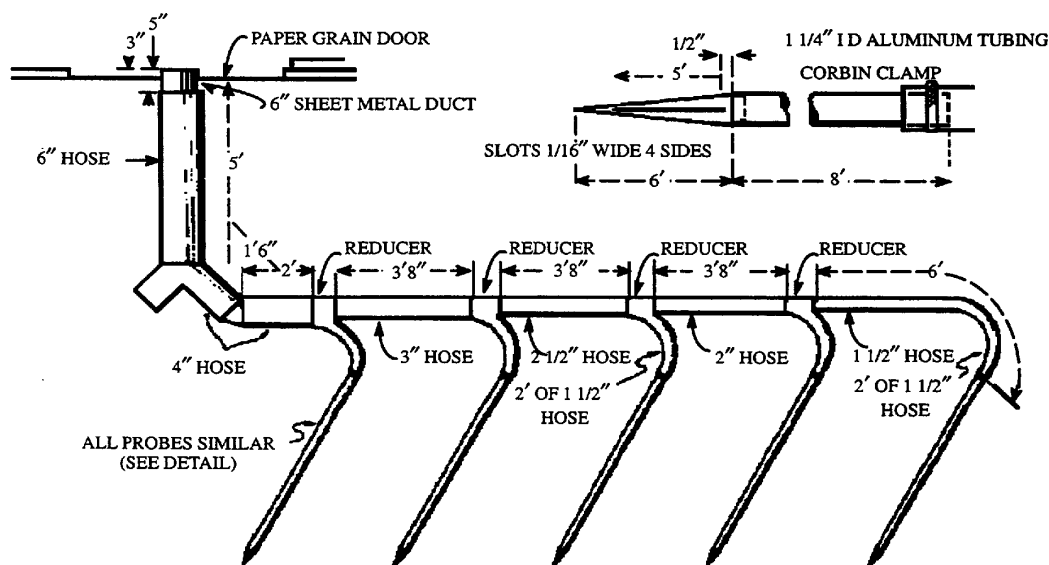
- (7) Certification: Certificates must affirm that the grain or seed accompanied thereby has been fumigated using the approved "Forced Circulation Method" and set forth the date of fumigation, dosage schedule, kind of fumigant used, period of exposure, and temperature. Each such certificate must also set forth the kind and quantity of the commodity, the initials and number of the railway car or license numbers of vans or trailers and the name and address of the shipper and consignee.

(CAUTION: Methyl bromide (CH_3Br) is a colorless, odorless, volatile liquid which when released at ordinary temperatures is a gas injurious to all forms of animal life. Proper precautions should be observed by all persons when handling it. For further information, consult the State Entomologist.)

- F. Sulphur treated corn shucks: It has been determined that the sulphuring process used in bleaching corn shucks intended for use in wrapping tamales, etc., will eliminate all danger of such shucks carrying live European corn borer larvae. Such shucks, therefore, are admissible without certificate from the area under quarantine.

G. General rules: See "General Rules and Definitions, Article 1".

DETAIL OF PROBE AND DUCT SYSTEM



Historical Note

Former Rule, Quarantine Regulation 12. Amended effective July 1, 1975 (Supp. 75-1). Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (C) effective January 21, 1981 (Supp. 81-1). Amended effective August 11, 1987 (Supp. 87-3). Section R3-1-60 renumbered to R3-4-228 (Supp. 91-4).

R3-4-229. Nut Tree Pests

- A. In addition to the definitions provided in A.R.S. § 3-201 and A.A.C. R3-4-102, the following applies to this Section. "Pest" means any of the following:
1. Pecan leaf casebearer, *Acrobasis juglandis* (LeBaron);
 2. Pecan nut casebearer, *Acrobasis nuxvorella* (Neunzig);
 3. Pecan phylloxera, *Phylloxera devastatrix*;
 4. The pathogen that causes brooming disease of walnut.
- B. Area under quarantine: All states, districts, and territories of the United States except California.
- C. Infested area.
1. For *Acrobasis* spp.: All states and districts east of and including the states of Montana, Wyoming, Colorado, Oklahoma, and Texas; in New Mexico, the counties of Chaves, DeBaca, Lea, Roosevelt, Eddy, Dona Ana, Otero, and Quay.
 2. For pecan phylloxera: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.
 3. For brooming disease of walnut: All states and districts east of and including Montana, Wyoming, Colorado, and New Mexico.
- D. Commodities covered: All species and varieties of the following trees and all plant parts capable of propagation, except the nuts. Plant parts include buds, scions, and rootstocks:
1. Hickory and pecan (*Carya* spp.),
 2. Walnut and butternut (*Juglans* spp.).
- E. Restrictions:
1. The commodities listed in subsection (D)(1) shall be admitted into Arizona:
 - a. From the infested area prescribed in subsections (C)(1) and (C)(2) if treated at origin, provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (F);
 2. From an area under quarantine outside the infested area, provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming that the commodities originated in a county not known to be infested with the pests listed in subsections (A)(1), (2), and (3).
2. The commodities listed in subsection (D)(2) shall be:
- a. Prohibited from entering Arizona from the infested area prescribed in subsection (C)(3);
 - b. Admitted into Arizona from an area under quarantine outside the infested area prescribed in subsection (C)(3), provided each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming:
 - i. Brooming disease is unknown in the origin county, and
 - ii. The amount and kind of commodity in the shipment.
- F. Treatments:
1. Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 minutes, as follows:
 - 2 lbs. per 1,000 cu.ft. for 4 hours at 70°F. or more
 - 3 lbs. per 1,000 cu.ft. for 4 hours at 60-69°F.
 2. A hot water dip at 140° F. or more for a minimum of 30 seconds.
 3. Any other treatment approved by the Associate Director.
- G. Any commodity listed in subsection (D) arriving in Arizona in violation of this Section shall, under the direction of the Department, be immediately sent out of the state, treated, or destroyed at the expense of the owner or the owner's representative.

Historical Note

Former Rule, Quarantine Regulation 13. Amended subsections (C), (E) and (G) effective May 5, 1986 (Supp. 86-3). Section R3-1-61 renumbered to R3-4-229 (Supp. 91-4). Amended effective January 16, 1996 (Supp. 96-1).

R3-4-230. Tristeza or Quick Decline of Citrus

- A.** Notice of quarantine: It has been determined that Tristeza or Quick Decline of Citrus is a dangerous pest of citrus and many other plants and is not of common distribution in the state of Arizona; that this pest is a serious threat to the citrus industry and ornamental horticulture of the state of Arizona. In order to prevent the introduction of this serious pest into the state of Arizona, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulation.
- B.** Pests: A Virus Disease of Citrus, Tristeza or Quick Decline, or any strain of this disease.
- C.** Area under quarantine: The entire state of Arizona.
- D.** Commodities covered: Meyer lemon shall mean the variety of citrus called Meyer lemon and also known as Chinese lemon or Oriental lemon and shall include the trees, seedlings, budded trees, buds or grafts or Meyer lemon grown on any root-stalk but shall not include the fruit of the Meyer lemon.
- E.** Restrictions:

Meyer lemon, Chinese or Oriental lemon: It shall be unlawful for any person, firm, corporation, company or society to grow, allow to grow, propagate, bud, graft, to sell, give away, transport or allow to be sold, given away or transported, any trees, plants or propagative parts of the variety of citrus known as Meyer lemon, within the quarantined area except that, when the University of Arizona Agricultural Experiment Station shall have tested and approved a strain of Meyer lemon which is free of Tristeza, or Quick Decline Disease, such strain may be propagated, grown and sold under special permit from the State Entomologist of Arizona.
- F.** Disposition of violations:
 - 1. Meyer lemon: Any plant or tree of the Meyer lemon propagated, planted, started, transported or sold in violation of this quarantine regulation shall immediately be placed under quarantine by the State Entomologist of Arizona or his inspectors and shall be removed from the quarantined zone or destroyed at the option and expense of the owner or owners.
 - 2. Destruction of diseased trees: Any citrus trees or plants which shall be found by indexing or testing to be infected with the Tristeza, or Quick Decline Disease, shall immediately be removed and destroyed under the supervision of the State Entomologist or his inspectors. Upon determination that the tree or plant is infected with Tristeza, or Quick Decline Disease, the State Entomologist shall advise the owner or owners in writing that said tree is infected with the disease and that it shall be removed and destroyed under the supervision of an inspector of the Commission. If after seven days the owner or owners shall not have removed and destroyed the tree or plant, the State Entomologist or his inspector shall remove and destroy said plant.
- G.** General rules: See "General Rules and Regulations, Article 1".

Historical Note

Former Rule, Quarantine Regulation 14. Section R3-1-62 renumbered to R3-4-230 (Supp. 91-4).

R3-4-231. Nut pests

- A.** Notice of quarantine: It has been determined that Pecan weevil, Butternut curculio, Black walnut curculio, and Hickory

shuckworm are dangerous pests not known to occur in the state of Arizona but are a serious threat to the nut industry and native black walnut trees of the state of Arizona. In order to prevent the introduction of these serious pests into the state of Arizona, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed as provided in this rule.

- B.** Pests covered:
 - 1. Pecan weevil, *Curculio caryae* (Horn).
 - 2. Butternut curculio, *Conotrachelus juglandis* LeC.
 - 3. Black walnut curculio, *Conotrachelus retentus* Say.
 - 4. Hickory shuckworm, *Laspeyresia caryana* (Fitch).
- C.** Area under quarantine: All states and districts of the United States except the states of California and New Mexico.
- D.** Commodities covered:
 - 1. Nuts of all species and varieties of hickory, pecan (*Carya spp.*), walnut and butternut (*Juglans spp.*), except extracted nut meats.
 - 2. Boxes, sacks, and other containers, equipment, appliances, machinery and vehicles used in connection with harvesting, hulling, dehydrating, shelling, transporting, or storing of any unhulled nuts or hulls.
- E.** Restrictions: Commodities covered in R3-4-231(D), originating in or shipped from the quarantined area shall be refused admittance into the state of Arizona, unless each lot or shipment is accompanied by a certificate issued by an authorized representative of the Department of Agriculture of the state of origin, evidencing one of the treatments listed in R3-4-231(G) of this rule has been carried out under his supervision. In the case of small, noncommercial quantities of nuts with hulls, transported via mail or express, or as personal belongings, the Entomologist or inspector shall permit the removal and destruction of husks or hulls, under his supervision, at the risk and expense of the owner or receiver, after which the lot shall be released if no evidence of pecan weevil or other pests is found. (For the purpose of the rule, noncommercial quantities of nuts shall mean quantities of 50 pounds or less.)
- F.** Disposition of violations: Any quarantined commodity arriving in Arizona in violation of this quarantine regulation shall be immediately sent out of the state or destroyed (except as specified in subsection (E)) at the option and expense of the owner or the owner's responsible agents, and under the direction of the State Entomologist or his inspectors.
- G.** Treatment:
 - 1. Cold treatment: The commodities shall be held in an approved cold storage chamber at or below 0° F. for a period of at least seven days (168 hours). For the purpose of certification, the treatment shall not start until the entire content of the lot of nuts has reached 0°F.
 - 2. A hot water bath treatment at 140°F. for a minimum of 5 minutes. Water temperature shall be maintained at or above 140°F. during the entire treatment period.
- H.** General rules: See "General Rules and Definitions, Article 1".

Historical Note

Former Rule, Quarantine Regulation 15. Amended effective July 13, 1989 (Supp. 89-3). Section R3-1-63 renumbered to R3-4-231 (Supp. 91-4).

R3-4-232. Repealed**Historical Note**

Former Rule, Quarantine Regulation 16. Repealed effective February 16, 1979 (Supp. 79-1). Section R3-1-64 renumbered to R3-4-232 (Supp. 91-4).

R3-4-233. Lettuce Mosaic

- A.** Definitions. In addition to the definitions provided in R3-4-201, the following terms apply to this Section:
1. "Integrity" means the planting location is free from the pest.
 2. "Mosaic-indexed" means lettuce seed that has been tested by a laboratory approved by a state in which the laboratory is located. The testing sample shall contain at least 30,000 seeds and no seeds shall be found infected with the pest.
 3. "Pest" means the virus, lettuce mosaic.
- B.** Area Under Quarantine: All states and districts of the United States.
- C.** Commodities Covered: Plants and plant parts, including seeds, of all varieties of lettuce, *Lactuca sativa*.
- D.** Restrictions.
1. Any lettuce seed imported into, transported within, planted, or sold in Arizona shall be mosaic-indexed unless authorized by a permit established in subsection (E).
 2. Each container or subcontainer of seed shall bear a label with the statement "Zero infected seeds per 30,000 tested (0 in 30,000)," or shall be accompanied by an official certificate from the state of origin attesting that the seed is mosaic-indexed.
 3. Lettuce transplants imported into, transported within, planted, or sold in Arizona shall be accompanied by an official certificate from the origin state that includes:
 - a. The name of the exporter,
 - b. The variety name and lot number of the seed from which the transplants were grown, and
 - c. Verification that the seeds from which the transplants were grown meet the requirement in subsection (E)(1).
 4. Exemptions. The requirements of subsection (D) do not apply to:
 - a. Lettuce seed sold in retail packages of 1 oz. or less to the homeowner for noncommercial planting, or
 - b. Any shipment of lettuce transplants consisting of 5 flats or less per receiver for noncommercial planting.
- E.** Permits:
1. A lettuce breeder or researcher may apply for a permit for lettuce seed or transplants that have not been mosaic-indexed, provided:
 - a. Each permit is for a 1/20 acre plot or less,
 - b. The applicant monitors the lettuce for pest symptoms,
 - c. The applicant verifies the integrity of the fields,
 - d. All plants exhibiting pest symptoms are destroyed, and
 - e. The following statement appears on the bill of lading or invoice accompanying each shipment: "This shipment meets Arizona lettuce mosaic permit requirements. Permit number _____."
 2. A seed dealer may apply for a permit to import non-mosaic-indexed lettuce seed for temporary storage in Arizona, provided:
 - a. Non-mosaic-indexed lettuce seed is shipped out-of-state and not distributed for use in Arizona;
 - b. The seed dealer maintains and makes available for Department inspection during regular business hours an inventory record on all non-mosaic-indexed lettuce seed which includes:
 - i. The quantity and lot number of non-mosaic-indexed lettuce seed,
 - ii. The date and lot number of non-mosaic-indexed lettuce seed received by the seed dealer,
 - iii. The date and lot number of non-mosaic-indexed lettuce seed shipped out-of-state by the seed dealer, and
 - iv. The destination of each shipment.
 - c. The permit does not preclude inspection of non-mosaic-indexed lettuce seed upon entering Arizona.
- F.** A grower shall disk, or otherwise destroy all lettuce fields within 10 days after the last day of commercial harvest or abandonment, unless prevented by documented weather conditions or documented circumstances beyond the control of the grower, or in the case of a permittee, as soon as the purpose of the crop is completed.
- G.** Disposition of Violation.
1. Any infected shipment of lettuce seed or transplants arriving in or found within the state, in violation of this Section, shall be immediately destroyed. The owner or the owner's agent shall bear the cost of the destruction.
 2. Any untested shipment of lettuce seed or transplants arriving in or found within the state, in violation of this Section, shall be immediately sent out-of-state or destroyed at the option of the owner or the owner's agent. The owner or the owner's agent shall bear the cost of the destruction or of sending the lettuce seed or transplants out-of-state.
 3. Any Arizona lettuce fields in violation of this Section shall be abated as established in A.R.S. §§ 3-204 and 3-205. The owner or person in charge may be assessed a civil penalty established in A.R.S. § 3-215.01.
 4. Violation of any provision of the permit may result in suspension or revocation of the permit.

Historical Note

Former Rule, Quarantine Regulation 17. Amended effective July 1, 1975 (Supp. 75-1). Section R3-1-65 renumbered to R3-4-233 (Supp. 91-4). Section repealed; new Section adopted effective December 2, 1998 (Supp. 98-4). Amended effective December 2, 1998 (Supp. 98-4).

R3-4-234. Nematode pest -- area under quarantine

A quarantine is established to protect against introduction into Arizona of the Reniform Nematode, *Rotylenchulus reniformis*, which is a serious threat to cotton, vegetables, and other crops due to its damaging the small feeder roots thereby causing extensive yield reduction. The area under quarantine consists of the entire states of Florida, Hawaii and Louisiana, the entire commonwealth of Puerto Rico, and in Texas the counties of Willacy, Hidalgo, Cameron and Terry, in South Carolina the counties of Allendale, Clarendon, Sumter and Charlestown, and in Alabama the counties of Dallas, Escambia, Madison, Montgomery, Tuscaloosa and Washington.

Historical Note

Former Rule, Quarantine Regulation 18. Amended effective April 26, 1976 (Supp. 76-2). Repealed effective December 19, 1980 (Supp. 80-6). Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66 renumbered to R3-4-234 (Supp. 91-4).

R3-4-235. Nematode pest -- commodities covered and exemptions

- A.** The commodities covered are soil, plants, and plant products associated with that soil, as they are a means of disseminating this pest.
- B.** The following covered commodities are exempt from the requirements of this regulation:

1. Air plants, including certain orchids and other plants produced epiphytically, if growing exclusively in or on soil-free material such as osmunda fiber, tree fern trunk, or bark.
2. Aquatic plants if free from soil.
3. Plants secured by air-layering if roots are established and enclosed in the original soil-free moss wrappings.
4. Dormant bulbs, fleshy roots, tubers, rhizomes and corms, if free from roots and soil.
5. Unrooted plant cuttings free of soil.
6. Shipments of 25 or less indoor-grown houseplants that have been maintained in a home and are not for sale.

Historical Note

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.01 renumbered to R3-4-235 (Supp. 91-4).

R3-4-236. Nematode pest -- conditions for admission

From and after August 1, 1985, all covered commodities originating in the area under quarantine listed in R3-4-234 are prohibited entry unless each shipment or lot is accompanied by a certificate issued by an authorized agricultural official at the state of origin affirming that:

1. The covered commodities originated in a geographical area of not less than 20 square miles in which Reniform Nematode is not known to occur; or
2. It has been determined through surveys including soil sampling, conducted at annual intervals, or during the one-year period prior to shipment, that the Reniform Nematode does not exist on the group of commodities to be certified or the Reniform Nematode does not exist on the premises used to grow the commodities and the commodities have been handled in a manner to assure protection from Reniform Nematode contamination from the time of survey to the time of shipment; or
3. The soil of the lot or shipment was treated prior to shipment with a pesticide registered for use on the pest and the associated plant material which has been determined by the Arizona State Entomologist to be an effective eradicator of Reniform Nematode based on scientific research data. A list of pesticides registered for use on the Reniform Nematodes will be kept on file with the Secretary of State of Arizona; or
4. The lot or shipment is free of living plant material and consists only of Reniform Nematode free growing media or has been treated with a pesticide registered for use on the pest and site and which has been determined by the Arizona State Entomologist to be an effective eradicator of Reniform Nematode based on scientific research data. A list of pesticides registered for use on the Reniform Nematode will be kept on file with the Secretary of State of Arizona; or
5. The lot or shipment consists of seedlings, plugs, or rooted cuttings grown on benches in Reniform Nematode-free growing media or which has been treated with a pesticide registered for use on the pest and the associated plant material which has been determined by the Arizona State Entomologist to be an effective eradicator of Reniform Nematode based on scientific research data; and that the lot or shipment consists of seedlings, plugs, or rooted cuttings which have been handled in a manner to assure protection from Reniform Nematode's contamination until shipped. A list of pesticides registered for use on the Reniform Nematode will be kept on file with the Secretary of State of Arizona; or
6. The commodity meets the requirements of California's Department of Food and Agriculture Quarantine Procla-

mation No. 25, "Burrowing Nematode Exterior Quarantine" on file with the Secretary of State of Arizona, as long as certification to meet this proclamation includes assurance by the authorized agricultural official at state of origin, that the commodity is free of Reniform Nematode.

Historical Note

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.02 renumbered to R3-4-236 (Supp. 91-4).

R3-4-237. Nematode pest -- disposition of violations

If any quarantined commodity arrives in Arizona in violation of this quarantine, or is found to be infested with the Reniform Nematode pest, it shall be immediately sent out of state or destroyed, at the option and expense of the owner(s), or owner's responsible agents, and under the direction of the Arizona State Entomologist or his representative.

Historical Note

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.03 renumbered to R3-4-237 (Supp. 91-4).

R3-4-238. Whiteflies quarantine

- A. Notice of quarantine. It has been determined that Citrus whiteflies, *Dialeurodes citrifolii* (Morgan) and *Dialeurodes Citri* (Ashm.), and woolly whitefly, *Aleurothrixus floccosus* (Maskell) are dangerous pests not known to occur in the state of Arizona and are a serious threat to the citrus industry and many ornamental plants in the state of Arizona. In order to prevent the introduction of these serious pests, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed as provided in this rule.
- B. Pests.
 1. Citrus whitefly, *Dialeurodes citri* (Ashm.).
 2. Cloudy-winged whitefly, *Dialeurodes citrifolii* (Morgan).
 3. Woolly whitefly, *Aleurothrixus floccosus* (Maskell).
- C. Area under quarantine. All states, districts and territories of the United States.

Infested area. Entire states of Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.
- D. Commodities covered. The following plants and parts are declared to be hosts and possible carriers of the pests herein quarantined against:

All of the following genera and species.

Ailanthus spp. (Tree of Heaven)
Amplopsis spp. (Boston Ivy)
Bignonia spp. (Trumpet Vine)
Choisya ternata (Mexican Orange)
Citrus Poncirus
Citrus spp.
Diospyros spp. (Persimmon)
Ficus macrophyll (Ficus)
Fortunella
Gardenia spp. (Gardenia or Cape Jasmine)
Ilex spp. (Holly)
Jasminum spp. (Jasmine)
Lagerstroemia spp. (Crape Myrtle)
Ligustrum spp. (Privet)
Maclura pomifera (Osage Orange)
Melia spp. (Chinaberry)
Musa spp. (Banana Shrub)
Osmanthus (Osmanthus) (Not tolerant to methyl bromide fumigation)
Poncirus spp.
Prunus caroliniana (Carolina Cherry Laurel)
Psidium spp. (Guava)
Punica granatum (Pomegranate)

Pyrus communis (Pear)
Sapindus mukorossi (Chinese Soapberry)
Smilax spp. (Sarsparilla)
Syringa vulgaris (Common Lilac)
Viburnum spp. (Viburnum)

E. Restrictions.

1. Host plants admitted if completely defoliated: No restrictions are placed on any of the restricted plants or parts thereof, herein quarantined against, which are shipped in a completely defoliated condition and which are found on arrival in this state to be in such completely defoliated condition.
2. *Gardenia* spp. shall be admissible from quarantined areas only if completely defoliated or if certified-treated in accordance with subsection R3-4-238(G).
3. All other commodities covered which are grown in and shipped from a quarantined area outside the infested areas shall be admitted if certified by an authorized official of the state of origin that:
 - a. The restricted plants or parts thereof contained in the shipment were field-grown for one year immediately prior to the shipment and have not been placed prior to shipment in a greenhouse or other heated structure where Citrus Whitefly may exist or in which restricted plants from the infested area are kept or grown; or
 - b. The restricted plants or parts thereof contained in the shipment were grown in a greenhouse or other heated structure in which no restricted plants from the infested area are kept and in which no Citrus Whitefly exists.
4. Certified-treated restricted plants with foliage shall be admitted from all points. Restricted plants or parts thereof with foliage from any point within the quarantined area which do not comply with paragraphs (1) - (3) herein shall be admitted only if they have been treated immediately prior to shipment and certified by an authorized official of the state of origin in the manner provided under R3-4-238(G).
5. Products admitted under permit. The State Entomologist may issue permits admitting restricted products subject to the limitations, conditions, and provisions which he may prescribe therein.

F. Disposition of violations.

1. Any shipment or lot of quarantined articles as herein defined arriving in Arizona in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or the owner's responsible agents and under the direction of the State Entomologist or his inspectors.
2. If any shipment of restricted plants or plants parts which has been certified in accordance with paragraph (E)(3) is found infested with living whiteflies by inspectors of the Arizona Commission of Agriculture and Horticulture, all subsequent shipments into Arizona of restricted plants or plant parts from that shipper shall be denied until evidence acceptable to the State Entomologist is received demonstrating the complete eradication of Whiteflies from the premises of that shipper.

- G. Treatment and issuance of treatment certificates.** As a condition of entry of restricted plants and parts thereof treated as herein required, the Entomologist shall have approved in writing the construction, equipment, and operation of the fumigation chamber. Treatment certificates shall be issued only provided the restricted plants or parts thereof being certified were treated under official supervision. Any of the treatment techniques listed below is acceptable.

1. Methyl bromide fumigation: 2 1/2 pounds of methyl bromide formulation registered for such use per 1000 cu. ft. of chamber space at a temperature of 80°F or above for a period of 2 hours.
2. Sodium cyanide 99% chamber fumigation: 25cc HCN gas per 100 cu. ft. for 1 hour at not less than 18.3° (60°F) or more than 29.4°C (85°F). See label for method of generating HCN gas from sodium cyanide. Circulation shall be maintained during the entire fumigation period. Fruit fumigated with HCN gas shall be dry.
3. Chlorpyrifos in a 4 lb. per gallon (4E) formulation registered for such use, in an emulsion of narrow range spray-oil (petroleum) oil, NR-415, emulsive.
 - a. 4.7 ml of Chlorpyrifos (4E), plus 19 ml of narrow range 415 oil per gallon of water, or
 - b. 16 fluid ounces of Chlorpyrifos (4E), plus 64 fluid ounces narrow range 415 oil per 100 gallons of water.
 - c. Methods of treatment:
 - i. Dip. Totally submerge plant material for two minutes, remove for one minute, and submerge again for one minute. Then remove and let dry.
 - ii. Spray. Apply to all plant parts, so as to thoroughly drench all surfaces of leaves, and all other aerial plant parts.

H. General rules: See "General Rules and Definitions, Article 1".**Historical Note**

Former Rule, Quarantine Regulation 19. Amended effective April 26, 1976 (Supp. 76-2). Amended effective August 15, 1989 (Supp. 89-3). Section R3-1-67 renumbered to R3-4-238 (Supp. 91-4).

R3-4-239. Imported fire ants

- A. Jurisdiction.** The movement of quarantined commodities within the state of Arizona shall be governed by the following rule.
- B. Pests covered.** Any species of imported fire ants, including but not limited to *Solenopsis invicta*, *Solenopsis richteri*.
- C. Area under quarantine.** All areas in the state of Arizona which receive commodities covered in subsection (E) of this rule from any known infested areas listed in subsection (D) of this rule.
- D. Infested areas.** States known to be infested with these pests are:
- | | |
|-----------|----------------|
| Alabama | Mississippi |
| Arkansas | North Carolina |
| Florida | South Carolina |
| Georgia | Texas |
| Louisiana | |
- E. Commodities covered.** The commodities covered by this quarantine are soil and all genera, species and varieties of nursery stock associated with that soil.
- F. Exemptions.** The following commodities are exempt from the requirements of this quarantine rule:
1. Aquatic plants grown in soil-free material.
 2. Shipments of 25 or less indoor-grown house plants that have been maintained in a home and are not for sale.
 3. Plants shipped bare-root and free from all soil.
- G. Restrictions.** This quarantine rule applies to all Arizona nurseries which receive any commodities described in subsection (E) of this rule from any infested areas listed in subsection (D) of this rule.
1. Upon the arrival of a shipment covered by this rule, the receiving nursery shall notify the Commission.

2. The commodities covered by this rule shall be held in a designated quarantine area for the inspection by an Inspector of the Commission.
 3. The covered commodities shall be kept undisturbed in the designated quarantine area for a minimum of five working days, and none of these commodities shall be moved from the quarantine area until they are inspected and released by an Inspector of the Commission.
 4. While being held in the quarantine area, no pesticide or other chemicals shall be applied to the quarantined commodities.
- H. Description of quarantine area.** In order to receive any commodities from any infested areas listed in this rule, a nursery shall establish a quarantine area as described in the following paragraphs. When a nursery has established such a quarantine area, that area shall be inspected and approved by an Inspector of the Commission.
1. The quarantine area shall be of adequate size to accommodate all covered commodities expected to be received by that nursery in any seven-day period.
 2. The quarantine area shall be located at least 15 feet from the nearest plants outside the quarantine area and at least 15 feet from the nearest public walkway or nursery employee work area.
 3. The quarantine area shall be plainly designated by signs or notices and shall be totally surrounded by a fence, wire, rope, ribbon or other barrier arranged to prevent the public from entering the quarantine area.
 4. The quarantine area shall have a floor composed of soil, sand, gravel, humus or other permeable material. Floors composed of concrete, brick, tile, block, wood asphalt or other impervious material are not acceptable for the quarantine area.
- I. Disposition of violations.** Any commodities covered by this rule which are shipped into the state of Arizona or moved within the state of Arizona and are in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director and supervision of an Inspector of the Commission.
- Historical Note**
- Former Rule, Quarantine Regulation 20. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Correction amendment effective April 26, 1976 included deletion of Arkansas (see subsection (C)) (Supp. 77-1). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). New section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-68 renumbered to R3-4-239 (Supp. 91-4).
- R3-4-240. Plum Curculio and Apple Maggot Pests**
- A. Jurisdiction.** The entry of covered commodities into the state of Arizona shall be governed by the following rule.
- B. Pests Covered.** Plum, Curculio, Conotrachelus nenuphar and Apple Maggot, Rhagoletis pomonella.
- C. Areas Under Quarantine.**
1. All states, territories and districts of the United States east of the western borders of the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.
 2. The infested areas in the state of California, including the following counties:

Del Norte	Mendocino	Trinity
Humboldt	Siskiyou	
Lake Sonoma		
 3. Including the state of Colorado.
 4. The infested area in the state of Idaho, including the county of Franklin.
 5. The infested areas in the state of Oregon, including the following counties:

Benton	Curry	Lane	Polk
Clackamas	Douglas	Lincoln	Tillamook
Clatsop	Hood River	Linn	Yamhill
Colombia	Jackson	Marion	Wasco
Coos	Josephine	Multnomah	Washington
 6. The infested areas in the state of Utah, including the following counties:

Box Elder	Davis	Utah
Cache	Salt Lake	Weber
 7. The infested areas in the state of Washington, including the following counties:

Clark	Klickitat	Pacific
Cowlitz	Lewis	Skamania
- D. Commodities Covered.** All fresh fruit of apple, apricot, cherry, hawthorn, nectarine, peach, pear, plum, prune and quince.
- E. Restrictions.**
1. Commodities covered under subsection (D) which are produced in or shipped from the areas under quarantine are prohibited entry into the state of Arizona unless each lot or shipment is accompanied by an official certificate. This certificate shall be signed by an agricultural official of the state from which it is shipped and shall indicate compliance with one of the following three subparagraphs.
 - a. Repacked commodities are admissible from quarantined areas if each lot or shipment is officially certified to have been grown outside the area under quarantine and that continued identity has been maintained while within the quarantined area before reshipment to any point in this state. Such certificates shall set forth the state in which the commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the name and address of the shipper and consignee.
 - b. Apples which have been exposed to controlled atmosphere storage may be admitted into Arizona if all the following requirements are met.
 - i. The exposure is for a period of 90 continuous days.
 - ii. The temperature is maintained at 38° Fahrenheit continuously.
 - iii. The controlled atmosphere facility is approved by the Department of Agriculture of the state in which the facility is located.
 - iv. A certificate, signed by an agricultural inspector of the Department of Agriculture of the state in which the facility is located, attesting to the provisions of the three preceding subdivisions.
 - c. Commodities shall be held in cold storage for a continuous period of 40 days or more. In cold storage, during the treatment period, means that the temperature within the storage room shall be maintained at 32° Fahrenheit or less. Commodities so treated shall be admitted into Arizona provided each lot or shipment is accompanied by an official certificate indicating compliance with the minimum requirements of this paragraph.
 2. Exemptions.
 - a. No restrictions are placed by this rule on the entry into this state of fruits which are already frozen solid

upon arrival in Arizona and are under refrigeration to assure their solid frozen state.

- b. Reshipments in original containers from quarantine areas of commodities grown outside the area under quarantine, provided commodities are in the original, unopened containers, each bearing labels or other identifying marks evidencing origin outside the quarantine area. These shipments may be reshipped into Arizona from any point within the quarantined areas and no certificate is required.
- c. A special permit may be issued by the Commission to allow shipment into Arizona of covered commodities from the areas under quarantine in the states of Idaho, Oregon, Utah and Washington because of the Apple Maggot. Commercial apple fruit grown in those counties in which there is an active Apple Maggot eradication program, including trapping for the Apple Maggot in commercial orchards, and in which Apple Maggot has not been detected in those commercial orchards.

- F. Disposition of Violations. Commodities covered by this rule which are shipped into the state of Arizona or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director of the Commission of Agriculture and Horticulture and supervision of an Inspector of the Commission.

Historical Note

Former Rule, Quarantine Regulation 21. Amended effective December 5, 1974 (Supp. 75-1). Amended effective June 16, 1977 (Supp. 77-3). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-69 renumbered to R3-4-240 (Supp. 91-4).

R3-4-241. Lethal Yellowing and Lethal Decline of palms

- A. Jurisdiction. The entry of commodities covered into the state of Arizona shall be governed by the following rule.
- B. Pests covered. Pests under this rule are pathogens of palm trees which are identified as mycoplasma-like organisms that cause Lethal Yellowing and Lethal Decline of palm trees, and the vector of these mycoplasma-like organisms, which is a leaf hopper, *Myndus crudus*.
- C. Areas under quarantine. The entire states of Texas and Florida.
- D. Commodities covered.
 - 1. St. Augustine grass, *Stenotaphrum secundatum*, and all parts thereof except the seed.
 - 2. All susceptible palm trees and all parts thereof except the seed including the following:
 - a. *Aiphanes lindeniana*
 - b. *Allagoptera arendria*
 - c. *Arenga spp.*, Sugar Palm or Dwarf Sugar Palm
 - d. *Arikuryroba schizophulla*, Arikury Palm
 - e. *Borassus flabellifer*, Palmyra Palm, Wine Palm
 - f. *Caryota spp.*, Fishtail Palm, Dwarf Fishtail
 - g. *Chrysalidocarpus cabadea*, Cabada Palm
 - h. *Cocos nucifera*, Coconut Palm
 - i. *Corypha elata*, Buri Palm
 - j. *Dictyosperma album*, Princess Palm, Hurricane Palm
 - k. *Gaussia spp.*, Puerto Rican Palm, Llume Palm
 - l. *Howea spp.*, Sentry Palm, Belmore Palm
 - m. *Latania spp.*, Latan Palm
 - n. *Livistonia spp.*, Chinese Fan Palm, Australian Fan Palm
 - o. *Mascarena spp.*, Spindle Palm, Bottle Palm

- p. *Nannorrhops ritchiana*, Mazari Palm
- q. *Neodypsis decaryi*
- r. *Phoenix canariensis*, Canary Island Date Palm
- s. *Phoenix dactylifera*, True Date Palm
- t. *Phoenix reclinata*, Sengal Date Palm
- u. *Phoenix rupicola*, Cliff Date Palm
- v. *Phoenix zeylanica*, Ceylon Date Palm
- w. *Phoenix sylvestris*, Wild Date Palm, Silver Date Palm
- x. *Polyandrococos caudescens*
- y. *Pritchardia spp.*, Kona Palm, Hawaiian Palm, Fiji Island Palm
- z. *Ravenea spp.*
- aa. *Trachycarpus spp.*, Chinese Windmill Palm, Windmill Palm
- bb. *Veitchia spp.*, Christmas Palm, Manilla Palm, Montgomery Palm

- E. Restrictions. All covered commodities listed in subsection (D) of this rule are prohibited entry into Arizona when grown in, or shipped from, the quarantined areas listed in subsection (C) of this rule.

- F. Disposition of violations. Any commodities covered in subsection (D) of this rule which are shipped into the state of Arizona or moved within the state of Arizona and are in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director and supervision of an Inspector of the Commission.

Historical Note

Former Rule, Quarantine Regulation 22. Repealed effective April 25, 1977 (Supp. 77-2). New section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-70 renumbered to R3-4-241 (Supp. 91-4).

R3-4-242. Repealed

Historical Note

Former Rule, Quarantine Regulation 23. Amended effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-5). Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-71 renumbered to R3-4-242 (Supp. 91-4).

R3-4-243. Repealed

Historical Note

Former Rule, Quarantine Regulation 24. Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-72 renumbered to R3-4-243 (Supp. 91-4).

R3-4-244. Regulated and Restricted Noxious Weeds

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, the following apply to this Section:
 - 1. "Infested area" means each individual container in which the pest is found or the specific area that harbors a pest.
 - 2. "Regulated pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state may be controlled to prevent further infestation or contamination:
 - a. *Cenchrus echinatus* L. -- Southern sandbur,
 - b. *Cenchrus incertus* M.A. Curtis -- Field sandbur,
 - c. *Convolvulus arvensis* L. -- Field bindweed,
 - d. *Eichhornia crassipes* (Mart.) Solms -- Floating waterhyacinth,
 - e. *Medicago polymorpha* L. -- Burclover,
 - f. *Portulaca oleracea* L. -- Common purslane,
 - g. *Tribulus terrestris* L. -- Puncturevine.

3. "Restricted pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state shall be quarantined to prevent further infestation or contamination:
 - a. *Acroptilon repens* (L.) DC. -- Russian knapweed,
 - b. *Aegilops cylindrica* Host. -- Jointed goatgrass,
 - c. *Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,
 - d. *Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),
 - e. *Centaurea diffusa* L. -- Diffuse knapweed,
 - f. *Centaurea maculosa* L. -- Spotted knapweed,
 - g. *Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),
 - h. *Cuscuta* spp. -- Dodder,
 - i. *Eichhornia crassipes* (Mart.) Solms -- Floating waterhyacinth,
 - j. *Elytrigia repens* (L.) Nevski -- Quackgrass,
 - k. *Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,
 - l. *Helianthus ciliaris* DC. -- Texas blueweed,
 - m. *Ipomoea triloba* L. -- Three-lobed morning glory,
 - n. *Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,
 - o. *Onopordum acanthium* L. -- Scotch thistle.
- B. Area under quarantine: All infested areas within the state.
- C. The following commodities are hosts or carriers of the regulated or restricted pest:
 1. All plants and plant parts other than those categorized as a regulated or restricted pest;
 2. Forage, straw, and feed grains;
 3. Live and dead flower arrangements;
 4. Ornamental displays; and
 5. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.
- D. The Department may quarantine any commodity or area infested or contaminated with a regulated pest and notify the owner or carrier of the restrictions and treatments listed in subsections (F) and (G). If the regulated pest is not quarantined, the Department shall provide the grower with technical information on effective weed control activities through integrated pest management.
- E. The Department shall quarantine any commodity or area infested or contaminated with a restricted pest and shall notify the owner or carrier of the restrictions and treatments of the pest listed in subsections (F) and (G).
- F. Restrictions.
 1. No regulated or restricted pest or commodity infested or contaminated with a regulated or restricted pest shall be moved to a non-infested area unless the Director issues a permit for the transporting or propagating of such pest.
 2. The owner or the owner's representative shall notify the Department at least two working days in advance of moving contaminated equipment from the infested area.
 3. The Department may inspect all equipment within two working days after the request to inspect the equipment is made.
- G. Treatments.
 1. The owner or the owner's representative shall treat all soil and debris from the equipment used in the quarantined area to such a degree that it is free of the regulated or restricted pest before the equipment is moved from the infested area. Removal or destruction of the weed and

weed seed shall be accomplished through one of the following methods:

- a. Autoclaving.
 - i. Dry heat. The commodity shall be heated for 15 minutes at 212°F.
 - ii. Steam heat. The commodity shall be heated for 15 minutes at 212°F.
 - b. Fumigating with ethylene oxide, chamber only; The commodity shall be fumigated with 1,500 mg/L for four hours in a chamber pre-heated to 115-125°F.
 - c. High-pressure water spray;
 - d. Crushing;
 - e. Incinerating; or
 - f. Burying in a sanitary landfill to a depth of six feet.
2. The owner or the owner's representative shall treat the infested area, including the area within the crop, range-land, ditchbank, roadside, private property, or body of water, with treatments based on an integrated pest management program appropriate to the commodity. The treatments shall take place under the direction of an inspector and shall include:
 - a. Reshipment from the state;
 - b. Manual removal;
 - c. Application of a herbicide;
 - d. Biological control including insects, fungi, nematodes, or microbes; or
 - e. Any other treatment approved by the Director.

Historical Note

Former Rule, Quarantine Regulation 25. Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-73 renumbered to R3-4-244 (Supp. 91-4). New Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2).

R3-4-245. Prohibited Noxious Weeds

- A. Definition. In addition to the definitions provided in A.R.S. § 3-201, the following apply to this Section:
 1. "Infested area" means each individual container in which a pest is found, the specific area that harbors the pest, or any shipment that has not been released to the receiver and is infested with a pest.
 2. "Pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), that are prohibited from entering the state:
 - a. *Acroptilon repens* (L.) DC. -- Russian knapweed,
 - b. *Aegilops cylindrica* Host. -- Jointed goatgrass,
 - c. *Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,
 - d. *Alternanthera philoxeroides* (Mart.) Griseb. -- Alligator weed,
 - e. *Cardaria pubescens* (C.A. Mey) Jarmolenko -- Hairy whitetop,
 - f. *Cardaria chalepensis* (L.) Hand-Muzz -- Lens podded hoary cress,
 - g. *Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),
 - h. *Carduus acanthoides* L. -- Plumeless thistle,
 - i. *Cenchrus echinatus* L. -- Southern sandbur,
 - j. *Cenchrus incertus* M.A. Curtis -- Field sandbur,
 - k. *Centaurea calcitrapa* L. -- Purple starthistle,
 - l. *Centaurea iberica* Trev. ex Spreng. -- Iberian starthistle,
 - m. *Centaurea squarrosa* Willd. -- Squarrose knapweed,
 - n. *Centaurea sulphurea* L. -- Sicilian starthistle,

- o. *Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),
 - p. *Centaurea diffusa* L. -- Diffuse knapweed,
 - q. *Centaurea maculosa* L. -- Spotted knapweed,
 - r. *Chondrilla juncea* L. -- Rush skeletonweed,
 - s. *Cirsium arvense* L. Scop. -- Canada thistle,
 - t. *Convolvulus arvensis* L. -- Field bindweed,
 - u. *Coronopus squamatus* (Forsk.) Ascherson -- Creeping wartcress (Coronopus),
 - v. *Cucumis melo* L. var. Dudaim Naudin -- Dudaim melon (Queen Anne's melon),
 - w. *Cuscuta* spp. -- Dodder,
 - x. *Drymaria arenarioides* H.B.K. -- Alfombrilla (Lightningweed),
 - y. *Eichhornia azurea* (SW) Kunth. -- Anchored waterhyacinth,
 - az. *Elytrigia repens* (L.) Nevski -- Quackgrass,
 - aa. *Euphorbia esula* L. -- Leafy spurge,
 - bb. *Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,
 - cc. *Helianthus ciliaris* DC. -- Texas blueweed,
 - dd. *Hydrilla verticillata* Royale -- Hydrilla (Florida-elo-dea),
 - ee. *Ipomoea* spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, 3-lobed morning glory (which is considered a restricted pest); and *Ipomoea aborescens*, morning glory tree,
 - ff. *Ipomoea triloba* L. -- Three-lobed morning glory,
 - gg. *Isatis tinctoria* L. -- Dyers woad,
 - hh. *Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,
 - ii. *Lythrum salicaria* L. -- Purple loosestrife,
 - jj. *Medicago polymorpha* L. -- Burclover,
 - kk. *Nassella trichotoma* (Nees.) Hack. -- Serrated tussock,
 - ll. *Onopordum acanthium* L. -- Scotch thistle,
 - mm. *Orobanche ramosa* L. -- Branched broomrape,
 - nn. *Panicum repens* L. -- Torpedo grass,
 - oo. *Peganum harmala* L. -- African rue (Syrian rue),
 - pp. *Portulaca oleracea* L. -- Common purslane,
 - qq. *Rorippa austriaca* (Crantz.) Bess. -- Austrian fieldcress,
 - rr. *Senecio jacobaea* L. -- Tansy ragwort,
 - ss. *Solanum carolinense* L. -- Carolina horsenettle,
 - tt. *Sonchus arvensis* L. -- Perennial sowthistle,
 - uu. *Solanum viarum* Dunal -- Tropical Soda Apple,
 - vv. *Stipa brachychaeta* Godr. -- Puna grass,
 - ww. *Striga* spp. -- Witchweed,
 - xx. *Trapa natans* L. -- Water-chestnut,
 - yy. *Tribulus terrestris* L. -- Puncturevine.
- B. Area under quarantine: All states, districts, and territories of the United States except Arizona.
- C. The following commodities are hosts or carriers of the pest:
1. All plants and plant parts other than those categorized as a pest;
 2. Forage, straw, and feed grains;
 3. Live or dead flower arrangements;
 4. Ornamental displays; and
 5. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.
- D. The Department shall quarantine any commodity infested or contaminated with a pest and shall notify the owner or carrier of the methods of removing the pest from the commodity. The

Department shall reject any shipment not released to the receiver and reship to the shipper.

E. Restrictions:

1. No pest or commodity infested or contaminated with a pest shall be admitted into the state unless the Director issues a permit for the transporting or propagating of such pest.
2. The Department shall regulate the movement of the commodity out of a quarantined area within the state until the pest is eradicated. Any shipment or lot of a commodity infested or contaminated with a pest arriving in the state in violation of this quarantine shall, pursuant to A.R.S. § 3-205(A), be immediately reshipped from the state, or be treated or destroyed using one of the following methods:
 - a. Fumigating with ethylene oxide, chamber only. The commodity shall be fumigated with 1,500 mg/L for four hours in a chamber pre-heated to 115-125°F;
 - b. Incinerating;
 - c. Burying in a sanitary landfill to a depth of 6 feet;
 - d. Application of a herbicide; or
 - e. Any other treatment approved by the Director.

Historical Note

Former Rule, Quarantine Regulation 26. Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (B) effective May 2, 1986 (Supp. 86-3). Section R3-1-74 renumbered to R3-4-245 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2).

R3-4-246. Fruit fly pests

- A. Notice of quarantine: It has been determined that there are economically dangerous fruit fly pests not known to occur in the state of Arizona; that these pests are a serious threat to the agricultural industry of the state of Arizona and to the thousands of ornamental fruit trees and garden plants in home plantings. In order to prevent the introduction into the state of Arizona, and the spread within the state of these dangerous pests, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona, or the movement within the state, shall be governed by the following rule.
- B. Pests: Any species of the fruit fly genera *Anastrepha*, *Ceratitis* or *Dacus*, belonging to the Family Tephritidae.
- C. Area under quarantine: The quarantined area shall include all areas outside of the state of Arizona and any areas found infested within the state of Arizona. An infested area may be declared by the State Entomologist within the area under quarantine whenever any insect covered by this rule becomes established in any such area, and represents a known infestation. Any infested area within the area under quarantine as declared by the State Entomologist for any pest covered by this rule, together with a list of host commodities which may harbor or be the carrier of such pest, shall be incorporated herein and made a part of this rule.
- D. Commodities covered: All commodities listed in this rule which have been declared by the State Entomologist as capable of being infested by, or harboring, any pest covered by this rule.
- E. Restrictions: All commodities listed in this rule shall be admitted to the state of Arizona from any infested area declared by the State Entomologist, only when each lot or shipment meets the requirements listed in subsections (F) or (G) of this rule.
- F. Treatment: Commodities meet the treatment provision of this rule when the requirements of subsection (F)(4) and (5) have been satisfied and the commodity has been treated in one of

the manners set forth in subsection (F)(1), (2) or (3) for the appropriate commodity and type of fruit fly.

1. Fruits or vegetables treated in the manner specified for the appropriate fruit fly genus and commodity listed in either:
 - a. The USDA Animal and Plant Health Inspection Service, Plant Protection and Quarantine Treatment Manual, as amended April 1987, which is incorporated herein by reference and on file with the Office of the Secretary of State. Treatments specified by USDA for export only are not acceptable for delivery in the USA. Treatment schedules listed by USDA for Hawaiian commodities may also be used for fruits and vegetables originating in other areas infested with fruit flies of the genera *Dacus* and *Ceratitis*; or,
 - b. *A Guide to Commodity Treatment in California*, California Department of Food and Agriculture, Division of Plant Industry, as amended November 15, 1983, incorporated herein by reference and on file with the Office of the Secretary of State, with the exception of the use of ethylene dibromide which is prohibited.
2. Citrus fruit treated for Caribbean Fruit Fly (*Anastrepha suspensa*) by fumigation at atmospheric pressure in a gastight semitrailer or chamber using methyl bromide gas for a period of two hours at a pulp temperature of 21°C (70°F) or above, using 40 g/m³ (2-1/2 lbs/1000 cu. ft.). The load cannot exceed 80% of the volume of the semitrailer or chamber.
3. All soil, garbage or other material, which could be a carrier of fruit fly, shall be treated with 1/4 pound of actual Diazinon per 100 gallons of water, or 1/2 pound 50% Diazinon wettable powder per 100 gallons of water.
4. All commodities treated in accordance with subsection (F)(1) or (2) and (3) above for entry into the state of Arizona must be accompanied by a certificate signed by an agricultural official of the United States, state, county or commonwealth certifying that the treatment was done under his supervision, and provided that each and every container and sub-container bears a stamp with the state or area name where the treatment was made, and with the words, "Processed in Accordance with Arizona Requirements".
5. Commodities shall be treated only with those pesticides registered for use on the commodity in the state, county or commonwealth where treatment is made.

G. Requirements for Caribbean fruit fly free area designation: Commercially grown grapefruit and oranges meet the requirements of this rule for Caribbean fruit fly (*Anastrepha suspensa*) if they have originated in an area designated by an agricultural agency of the United States, state, county or commonwealth as a Caribbean fruit fly free area. The commodities shall be accompanied by a certificate signed by an agricultural official of the United States, state, county or commonwealth certifying that they originate in a designated area which is free of Caribbean fruit fly. Each and every container and sub-container shall bear a stamp with the words "Designated area". The designation of an area as free of Caribbean fruit fly shall be based upon the following minimum criteria:

1. Negative trapping:
 - a. No more than six target plants with fruit shall be found within three miles of the perimeter of the designated area. The target plants are common guava, cattley guava, Surinam cherry, rose apple, and loquat.

- b. Should one to six target plants with fruit be found within the subject buffer zone, ground or aerial bait spray shall be applied at nine- to ten-day intervals, beginning 30 days prior to harvest and continuing until the end of harvest.
 - c. The minimum size of the designated area shall be 300 acres.
 - d. The designated area shall be surrounded by a buffer zone of 1 1/2 miles.
 - e. Trap surveys shall be conducted as follows:
 - i. McPhail traps shall be set in the designated area and in the 1 1/2 mile buffer zone adjoining the designated area at the density of 15 traps per square mile. It is not required that areas without target plants such as pastures and marshlands (i.e., McPhail trap densities shall be concentrated in areas where target plants exist) be trapped.
 - ii. The attractant used in the McPhail trap shall be four or five yeast-borax tablets dissolved in 1/2 liter of water and shall be changed weekly.
 - iii. Trap servicing shall be conducted weekly from 30 days before harvest until the end of harvest.
 - f. Measures to be taken if Caribbean fruit fly is found in a designated area or its buffer zone are as follows:
 - i. If the Caribbean fruit fly is found as a result of the trap survey, Commission shall be notified within one working day of fruit fly identification.
 - ii. If two adults, within 1 1/2 miles of each other during a life cycle (30 days) are found during the trap survey in the designated area or in the surrounding buffer zone, the designation as a Caribbean fruit fly-free area shall be withdrawn. The area can be redesignated as a Caribbean fruit fly free-area if a 1/4 mile area around the trap catches is treated by aerial bait spray at 9-to 10-day intervals for 30 days with negative trapping.
 - iii. If either one or more larva or pupa is found during the survey in the designated area or in the surrounding buffer zone, the designation as a Caribbean fruit fly-free area shall be withdrawn for the entire season.
2. Bait sprays:
 - a. The minimum size of the designated area shall be 40 acres with an additional 300-foot buffer zone. The buffer zone shall not contain any target plants. The target plants are common guava, cattley guava, Surinam cherry, rose apple, and loquat.
 - b. No more than six target plants with fruit shall be found within one mile of the perimeter of the designated area.
 - c. McPhail traps shall be established in the designated area and 300-foot buffer zone at the density of 15 traps per square mile (a minimum of four traps shall be required).
 - d. The attractant used in the McPhail trap shall be four or five yeast-borax tablets dissolved in 1/2 liter of water and shall be changed weekly.
 - e. Trap servicing shall be conducted weekly from 30 days before harvest until the end of harvest.
 - f. There shall be a 30-day negative trapping period in the designated area and buffer zone prior to the area becoming eligible for designation as a Caribbean fruit fly-free area.

- g. In addition, aerial bait sprays are to be applied beginning seven days prior to harvest and throughout the harvest period.
- h. Measures to be taken if Caribbean fruit fly is found in a designated area or its buffer zone are as follows:
- i. If a Caribbean fruit fly is found before spraying begins, the area involved shall be ineligible for designation as a Caribbean fruit fly-free area.
- (1) The designation as a Caribbean fruit fly-free area shall be reinstated if the area is sprayed for a 30-day (one life cycle) period and no additional flies are found. Spraying is to be continued throughout the harvest period after designation is restored.
 - (2) If an additional fly is found during the 30-day preharvest spray period or during the harvest period after reinstatement, the area shall be ineligible for designation as a Caribbean fruit fly-free area for the balance of the season.
- ii. If Caribbean fruit fly is found after spraying begins, the area shall be ineligible for designation as a Caribbean fruit fly-free area.
- (1) The area may be redesignated as a Caribbean fruit fly-free area after 30 days if no additional flies are trapped. Spraying is to be continued during the 30-day period and throughout the harvest period after designation is restored.
 - (2) If additional flies are found during the 30-day spray period, or during harvest after redesignation, the area shall be ineligible for designation as a Caribbean fruit fly-free area for the balance of the season.
3. Bait spray formulations:
- a. Aerial bait spray shall consist of a mixture of 2.4 oz. (71.04 ml) 91% malathion and 9.6 oz. (284.16 ml) Staley's bait (Nulure) per acre.
 - b. Ground bait spray shall consist of 1 oz. (29.6 ml) Staley's bait (Nulure) and 1 oz. 56.44% EC malathion (Cythion - EPA Reg. No. +5905-196) per one gallon of water.
- H.** Disposition of violations: Any material or article which has been brought into the state of Arizona, or moved within the state of Arizona, in violation of this quarantine regulation shall immediately be sent out of the state, or returned to origin, or destroyed at the option and at the expense of the owner or owners, or their responsible agent, and under the direction of the State Entomologist or his inspectors.
- I.** General rules: See "General Rules and Definitions, Article 1."
- J.** Pursuant to authority provided in subsection (C) of this rule, the State Entomologist hereby declares the state of Florida as an infested area for Caribbean fruit fly, *Anastrepha suspensa*, and lists the following commodities capable of being infested by, or harboring any stage of development, of said pest.
- K.** Commodities: All fruit and vegetables of the following:
1. The fruit of:

Apple	<i>Malus sylvestris</i>
Avocado	<i>Persea americana</i>
Balsam apple	<i>Marmodica charantia</i>
Barbados cherry	<i>Malpighia glabra</i>
Bell pepper	<i>Capsicum frutescens</i>
Box orange	<i>Severinia buxifolia</i>
Calamondin	<i>Citrus mitis</i>
Carambola	<i>Averrhoa carambola</i>
Ceylon gooseberry	<i>Dovyalis hebecarpa</i>
Cherry of the Rio Grande	<i>Eugenia aggregata</i>
Coco plum	<i>Chrysobalanus icaco</i>
- | | |
|------------------|---|
| Common guava | <i>Psidium guajava</i> |
| Egg fruit | <i>Pouteria campechiana</i> |
| Governor's plum | <i>Flacourtia indica</i> |
| Grapefruit | <i>Citrus paradisi</i> |
| Grumichama | <i>Eugenia brasiliensis</i> |
| Guiana plum | <i>Drypetes lateriflora</i> |
| Imbe | <i>Garcinia livingstonei</i> |
| Jaboticaba | <i>Myciaria cauliflora</i> |
| ----- | <i>Myciaria glomerata</i> |
| Kei apple | <i>Dovyalis caffra</i> |
| Kumquat | <i>Fortunella japonica</i> |
| Kumquat (oval) | <i>Fortunella margarita</i> |
| Lime | <i>Citrus aurantifolia</i> |
| Lime berry | <i>Triphasia trifolia</i> |
| Litchi | <i>Litchi chinensis</i> |
| Loquat | <i>Eriobotrya japonica</i> |
| Mango | <i>Mangifera indica</i> |
| Miracle fruit | <i>Synsepalum dulcificum</i> |
| Natal plum | <i>Carissa grandiflora</i> |
| Orange jasmine | <i>Murraya paniculata</i> |
| Paraguava | <i>Britoa acida</i> |
| Peach | <i>Prunus persica</i> |
| Pear | <i>Pyrus communis</i> |
| Pitomba | <i>Eugenia luschnathiana</i> |
| Pomegranate | <i>Punica granatum</i> |
| Rose apple | <i>Syzygium jambos</i> |
| Sapidolla | <i>Achras zapota</i> |
| Sour orange | <i>Citrus aurantium</i> |
| Strawberry guava | <i>Psidium cattleianum</i> |
| Sugar apple | <i>Annona squamosa</i> |
| Surinam cherry | <i>Eugenia uniflora</i> |
| Sweet orange | <i>Citrus sinensis</i> |
| Tangelo | <i>Citrus paradisi</i> x <i>C. reticulata</i> |
| Tangerine | <i>Citrus reticulata</i> |
| Temple orange | <i>Citrus sinensis</i> x <i>C. reticulata</i> |
| Tomato | <i>Lycopersicon esculentum</i> |
| Tropical almond | <i>Terminalia catappa</i> |
| Wampi | <i>Clausena lansium</i> |
| Water apple | <i>Syzygium samarangense</i> |
| White sapote | <i>Casimiroa edulis</i> |
| ----- | <i>Pseudanmomis umbellulifera</i> |
2. Avocados, mangoes, litchis, bell peppers and tomatoes may be shipped to Arizona without fumigation if commercially grown and packed. If not commercially grown and packed, these fruits must be certified as having been fumigated.

Historical Note

Adopted effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-1). Amended effective May 10, 1988 (Supp. 88-2). Section R3-1-75 renumbered to R3-4-246 (Supp. 91-4).

R3-4-247. Repealed**Historical Note**

Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-76 renumbered to R3-4-247 (Supp. 91-4).

R3-4-248. Japanese beetle

A. Notice of quarantine. It has been determined that the Japanese beetle, *Popillia japonica* (Newman), is a dangerous insect pest not known to occur in the state of Arizona; that the Japanese beetle is a serious threat to forest trees, agricultural crops, turf grass and certain ornamental plants. In order to prevent the introduction into the state of Arizona, and the spread within the state of this serious pest, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulation.

B. Pest: Japanese beetle, *Popillia japonica* (Newman).

C. Area under quarantine. Entire states of Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

1. Portions of the states listed below:

Alabama -- Counties of Cleburne, Jefferson, and Lee.

Georgia -- Counties of Banks, Barrow, Bartow, Bibb, Burke, Carroll, Cherokee, Clarke, Clayton, Cobb, Coweta, Columbia, Dawson, DeKalb, Douglas, Elbert, Fannin, Fayette, Forsyth, Fulton, Franklin, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jones, Lumpkin, Madison, McDuffie, Monroe, Muscogee, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Rabun, Richmond, Rockdale, Spalding, Stephens, Towns, Union, Walker, Walton, and White.

Illinois -- Counties of Coles, Cook, DuPage, Edgar, Effingham, Fayette, Iroquois, Kankakee, LaSalle, Macon, Madison, Rock Island, St. Clair, Tazewell, Vermilion, and Will.

Indiana -- Counties of Allen, Benton, Boone, Carroll, Cass, Clark, Clay, Clinton, Daviess, Dearborn, DeKalb, Delaware, Dubois, Elkhart, Franklin, Fulton, Greene, Henricks, Huntington, Jackson, Jasper, Jefferson, Jennings, Kosciusko, LaGrange, Lake, La Porte, Lawrence, Marion, Marshall, Martin, Miami, Montgomery, Newton, Noble, Ohio, Orange, Parke, Porter, Pulaski, Putnam, St. Joseph, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Vermillion, Vanderburgh, Vigo, Wabash, Washington, Wayne, Wells, White, and Whiteley.

Kentucky -- Counties of Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Floyd, Gallatin, Garrard, Grant, Greenup, Hardin, Harlan, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Trimble, Wayne, Whitley, Wolfe, and Woodford.

Maine -- Counties of Androscoggin, Cumberland, Kennebec, Lincoln, Oxford, Sagadahoc, and York.

Michigan -- Counties of Allegan, Barry, Berrien, Calhoun, Cass, Kalamazoo, Lenawee, Macomb, Monroe, Oakland, Washtenaw, and Wayne.

Missouri -- City of St. Louis, County of St. Louis.

Ohio -- Counties of Adams, Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Delaware, Erie, Fairfield, Fayette, Frank-

lin, Fulton, Gallia, Geauga, Green, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Picaway, Preble, Pike, Portage, Putnam, Ross, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Washington, Warren, Wayne, Williams, Wood, and Wyandot.

South Carolina -- Counties of Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, Greenville, Lancaster, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Pickens, Richland, Spartanburg, Union, and York.

Tennessee -- Counties of Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Monroe, Morgan, Polk, Roane, Sevier, Sullivan, Unicoi, Washington, and Weakley.

D. Commodities covered:

1. Soil separately or with other things (except potting soil).
2. Plants with roots (except houseplants grown in the home and not for sale, greenhouse grown plants, soil-free aquatic plants, moss, and hycopodium known as club-moss or ground-pine or running pine).
3. Grass sod.
4. Aircraft (during months of June, July and August whenever there is swarming of adult Japanese beetles in the area under quarantine).
5. Any other products, articles, or means of conveyance, of any character whatsoever when it is determined by an inspector that they present a hazard of spread of Japanese beetle and the person in possession thereof has been so notified.

E. Restrictions.

1. Movement of regulated articles. Regulated articles may be moved from the area under quarantine into the state of Arizona only when such articles are accompanied by a valid certificate from an authorized inspector of the state of origin or Federal Certificate issued by a United States Department of Agriculture inspector giving evidence of the following conditions.
2. Certificates.
 - a. When, in the judgment of the inspector, they have not been exposed to infestation.
 - b. When they have been examined by the inspector and found to be free of infestation.
 - c. When they have been treated under the observation of an inspector and in accordance with a method selected by him to bring about a successful treatment for the presence of Japanese beetles.
 - d. Aircraft and other conveyances arriving in the state of Arizona from the area under quarantine, which have not been properly treated and certified at origin may be held for inspection during the months of June, July and August at the place of inspection until either found free of live Japanese beetles or treated by an approved manner and released by an inspector of the Arizona Commission of Agriculture and Horticulture.

- F. Disposition of violations. Any shipment, conveyance or lot of quarantined articles as herein defined arriving in Arizona in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents, and under the direction of the Entomologist or his inspector.
- G. General rules. See "General Rules and Definitions, Article 1".

Historical Note

Adopted effective June 16, 1977 (Supp. 77-3). Section R3-1-77 renumbered to R3-4-248 (Supp. 91-4).

ARTICLE 3. NURSERY RULES

R3-4-301. Special nursery certification; definitions

In this Article, unless the context otherwise requires:

1. "Certificate" means a document issued by the State Entomologist or by an inspector of the Commission stating that an agricultural commodity complies with the criteria set forth by an agricultural agency of any state, county, or commonwealth.
2. "Common pest" means a pest, weed or disease which is not under state or federal quarantine or eradication program and is of general distribution within this state.
3. "Injurious plant pests, weeds, and diseases" means any serious pest or common pest that is above the determined levels standard for common pests listed in Field Service Policy #8, dated March 24, 1988, incorporated herein by reference and on file with the Office of the Secretary of State.
4. "Laboratory disease analysis" means the processing of a sample so that any of the following examination and pathogen identification procedures may be utilized -- light transmitted microscopy, culturing, inoculations, greenhouse grow out, serology, extraction, electron microscopy.
5. "Misuse or misrepresentation of certification" means reproduction of certificates not allowed pursuant to this Article without written permission of the Commission, alteration of certificates, use of certificates to represent noncertified plant material, use of certificates to imply Arizona origin in order to avoid regulatory action by an agricultural official of the state, county or commonwealth scheduled to receive the nursery stock.
6. "Nursery location" means a parcel of ground operated as one unit with one physical address, upon which nursery stock is propagated or grown for commercial purposes.
7. "Nurseryman" means any person engaged in the production of nursery stock for commercial purposes.
8. "Serious pest" means a pest, weed or disease under state or federal quarantine or eradication programs or a pest, weed or disease which causes crop damage or is a nuisance or public health threat and which has not been found or is of limited distribution in this state.
9. "Special nursery certification inspection" means an inspection carried out at the request of a nurseryman for the purpose of determining whether or not a certificate can be issued.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-301 renumbered from R3-1-301 (Supp. 91-4).

R3-4-302. Special nursery certification; Arizona certified nursery inspections

- A. Inspection and fee. Upon written application from a nurseryman and payment of an annual \$30 fee per nursery location, an inspector of the Commission shall annually inspect a representative sample of all nursery stock at each nursery location to

determine if the nursery stock meets all the requirements of certification for Arizona certified nurseries listed below.

- B. Certification requirements. To qualify as an Arizona certified nursery, a nursery shall either be pest free or comply with the following actions required in a written remedial order issued by an inspector of the Commission.
1. If nursery stock is found infested or infected with serious pests, it shall be quarantined until the pest has been eradicated.
 2. If nursery stock is infested or infected with common pests at detrimental levels, it shall be kept under a treatment program. Detrimental levels of common pests are specified in Arizona Commission of Agriculture and Horticulture Field Services Policy #8 dated March 24, 1988, incorporated herein by reference and on file with the Office of the Secretary of State. The treatment program shall include the use of a pesticide registered for use in Arizona on the nursery stock, at the intervals specified on the label, or effective cultural control measures.
- C. Duration and use of Arizona certified nursery certificate. A current certificate declaring the nursery to be an Arizona certified nursery may be duplicated by the applicant in order to reproduce shipping labels. The expense of reproducing the certificate shall be borne by the applicant. The certificate shall be valid for 12 months from the date of issuance, unless revoked as provided in Section R3-4-306(C) or (D).
- D. A nursery does not have to be an Arizona certified nursery to do business in the state of Arizona.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-302 renumbered from R3-1-301 (Supp. 91-4).

R3-4-303. Special nursery certification; ozonium root rot inspection

- A. Inspection and fee. Upon written application from a nurseryman, an inspector of the Commission shall, for a fee of \$50 per nursery location, perform an inspection as is necessary to determine whether an ozonium root rot certification can be issued.
- B. Certification requirements. Ozonium root rot certification requirements are specified in Arizona Commission of Agriculture and Horticulture Field Services Policy #7 dated June 24, 1987, incorporated herein by reference and on file with the Office of the Secretary of State.
- C. Duration and use of ozonium root rot certificate:
1. Ozonium root rot certification shall remain valid unless revoked as provided in Section R3-4-306(C) or (D).
 2. A certificate issued by the Commission cannot be reproduced without written permission of the Commission.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-303 renumbered from R3-1-303 (Supp. 91-4).

R3-4-304. Special nursery certification; other certification inspections

- A. Inspection and fee. Upon the written request of a nurseryman and payment of the appropriate fee as specified below, the Commission shall perform those special nursery inspections for pests, weeds or diseases not otherwise specified in Section R3-4-302 or R3-4-303. The category of inspection selected and the plant pest, weed, or disease involved shall be determined by the certification requirements of the state, county or commonwealth which is scheduled to receive shipments of Arizona nursery stock. These requirements are in addition to the minimum shipping requirements applicable to Arizona certified nurseries.

1. Shipment inspection. For an inspection which requires no more than one visit by an inspector to certify nursery stock scheduled to be transported by vehicle, the fee shall be \$10 per vehicle. The shipment shall leave for its destination within five working days following inspection or a new certification shall be required.
 2. Entire nursery location. For an inspection necessary to certify an entire nursery location, the fee shall be \$30 per nursery location.
 3. Laboratory inspection. Fees for an inspection requiring laboratory disease analysis shall be assessed according to the following schedule. For the purpose of this rule, an inspection for laboratory disease analysis shall be the examination of one sample.
 - a. The fee for inspection of a sample for bacterium shall be \$50.
 - b. The fee for inspection of a sample for nematodes shall be \$15.
 - c. The fee for inspection of a sample for fungus shall be \$15.
 - d. The fee for laboratory disease analysis which exceeds the capability of the Commission's laboratory and must be analyzed by an outside laboratory shall be the fee charged by the outside laboratory and all shipping costs. This fee shall not exceed \$50 per sample.
 4. Partial nursery inspection. When the agricultural agency of the receiving state, county or commonwealth does not require the certification of an entire nursery location, nor certification of a shipment, nor laboratory disease analysis, but does require the inspection of a portion of the nursery where the plants or things to be certified are located, the charge shall be \$20 per partial nursery inspection.
 5. Inspection of out-of-state shipments resulting in recertification. Plant shipments which have entered Arizona and have not lost their identity as a shipment, were not exposed to infection or infestation while in Arizona, and upon arrival in Arizona have already met the certification requirements established by the agricultural agency of the state, county or commonwealth scheduled to receive the shipment, may be certified for reshipment without fee.
- B.** Certification requirements. The standard for certification requirements shall be determined by the agricultural agency of the state, county or commonwealth requiring certification of Arizona nursery stock. Copies of these requirements will be given to any nurseryman requesting certification.
- C.** Duration and use of certification.
1. Certification is valid for one year unless revoked as provided in Section R3-4-306(C) or (D); or unless the certification requirements, set forth by an agricultural agency of the state, county or commonwealth scheduled to receive the Arizona nursery stock, specify a shorter or longer duration.
 2. A certificate issued by the Commission cannot be reproduced without permission of the Commission.
- Historical Note**
Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-304 renumbered from R3-1-304 (Supp. 91-4).
- R3-4-305. Special nursery certification; application**
- A.** The nurseryman may make written application for ozonium root rot inspection on a form approved by the Commission. The form shall contain the following:
1. Name of the applicant;
 2. The applicant's mailing address and telephone number;
 3. The nursery location, identified by name, quantity of land, and location (county, range, township, and section);
 4. A section in which to specify the certification method requested.
 5. Applicant's signature and date of application.
- B.** The nursery may make a written application for special nursery certification inspections, which does not include ozonium root rot inspection, on a form approved by the Commission. The form shall contain the following:
1. Applicant's name, nursery name, mailing address, and telephone number;
 2. Location at which inspection is to be made by legal description or physical address;
 3. Quantity of land;
 4. A section in which to specify the state, county, or commonwealth of planned destination and the type of certification requested;
 5. Applicant's signature and date of signature.
- Historical Note**
Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-305 renumbered from R3-1-305 (Supp. 91-4).
- R3-4-306. Special nursery certification inspection; denial, revocation, and suspension of certification**
- A.** The State Entomologist or an inspector of the Commission shall issue the appropriate certification if, after inspection, it is determined that all certification requirements are met.
- B.** The State Entomologist or an inspector of the Commission shall deny the issuance of a certification if, after inspection, it is determined that the requirements for certification are not met.
- C.** The Commission may revoke a certification for any violation of any of the conditions of that certification.
- D.** The Commission may suspend, for a period not to exceed 90 days, any certification for any misuse or misrepresentation of that certification.
- Historical Note**
Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-306 renumbered from R3-1-306 (Supp. 91-4).
- R3-4-307. Repealed**
- Historical Note**
Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-307 renumbered from R3-1-307 (Supp. 91-4).
Repealed effective April 11, 1994 (Supp. 94-2).
- ARTICLE 4. SEEDS**
- R3-4-401. Definitions**
- In addition to the definitions provided in A.R.S. § 3-231, the following shall apply to this Article:
1. "Coated seed" means seed that has been covered with a substance which changes the size, shape, or weight of the original seed. Seeds coated with ingredients such as rhizobia, dyes, and pesticides are excluded.
 2. "Replacement date sticker" means a sticker for one-time use which displays a new test date confirming that the germination on the label has not changed and that there are no label violations.
 3. "Small container" means any container 16 ounces or less.
- Historical Note**
Former Rule, Arizona Seed Regulation 1. Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-110 renumbered without change as Section R3-4-401 (Supp. 89-1). Section R3-4-401 renumbered from

R3-1-401 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3).

R3-4-402. Labeling

A. General requirements:

1. A written statement containing the information prescribed by A.R.S. § 3-237 shall appear in legible print of not less than eight-point type.
2. The name of a kind, variety, or type of seed as defined in A.R.S. § 3-231(10), (24), and (25) shall not include words or terms that may create a misleading impression concerning the history or quality of the seed, nor shall any other information in addition to that required by A.R.S. § 3-237 appear on a label that is misleading.
3. Information required for labeling seed in the bulk shall appear in the invoice.
4. Blank spaces or the words "free or none" mean "0" and "0.00 %" for the purpose of applying the tolerances prescribed in the regulations of the State Seed Law Enforcement Officer.
5. For labeling purposes, purity and germination entries shall not show higher results than actually found by test.
6. The terms "foundation seed", "registered seed", and "certified seed" are authorized for use on seed certified by an Arizona-designated seed-certifying agency as delineated in R3-4-407.

B. Kind, variety, or type.

1. The labels of the following kinds of agricultural seeds shall include variety or the words "Variety not stated".

Alfalfa	Millet, pearl
Bahiagrass	Oat
Barley	Pea, field
Bean, field	Peanut
Beet, field	Rice
Brome, smooth	Rye
Broomcorn	Safflower
Cover, crimson	Sorghum
Clover, red	Sorghum sudangrass
Clover, white	Soybean
Corn, field	Sudangrass
Corn, pop	Sunflower
Cowpea	Tobacco
Crambe	Trefoil, birdsfoot
Fescue, tall	Triticale
Flax	Wheat, common
Lespedeza, striate	Wheat, durum
Millet, foxtail	

2. The labels of all cotton planting seed sold, offered for sale, exposed for sale, or transported for planting purposes shall include both kind and variety.

C. A replacement date sticker shall be accepted to bring outdated seed into compliance.

D. Seed containers with an expired replacement date sticker shall be completely relabeled.

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-111 renumbered without change as Section R3-4-402 (Supp. 89-1). Section R3-4-402 renumbered from R3-1-402 (Supp. 91-4). Amended effective July 10, 1995 (Supp. 95-3).

R3-4-403. Noxious Weed Seeds

A. The following noxious weed seeds are prohibited in planting seed:

1. *Acroptilon repens* (L.) DC. -- Russian knapweed
2. *Aegilops cylindrica* Host. -- Jointed goatgrass
3. *Agropyron Elytrigia repens* -- Quackgrass

4. *Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn
5. *Cardaria draba* var. *repens*, *C. pubescens* -- Hoary cress
6. *Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle)
7. *Cirsium arvense* L. Scop. -- Canada thistle
8. *Convolvulus arvensis* -- Field bindweed
9. *Cyperus rotundus*, *C. esculentus* -- Nutgrass
10. *Drymaria arenarioides* H.B.K. -- Alfombrilla (Lightningweed)
11. *Euphorbia esula* L. -- Leafy spurge
12. *Helianthus ciliaris* DC. -- Texas blueweed
13. *Ipomoea* spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory, and *Ipomoea aborescens*, morning glory tree
14. *Solanum elaeagnifolium*, *S. carolinense* -- Horsenettle
15. *Sonchus arvensis* L. -- Perennial sowthistle
16. *Sorghum* species, perennial (such as Johnson grass, *Sorghum almum*, and perennial sweet sudangrass)

B. The following noxious weed seeds are restricted for planting seed. The list shows the highest number of each restricted noxious weed seed permitted per pound of agricultural, vegetable, or ornamental plant seed.

1. <i>Avena fatua</i> -- Wild oat.....	5
2. <i>Brassica</i> spp. -- Wild mustard.....	30
3. <i>Cenchrus pauciflorus</i> -- Sandbur.....	10
4. <i>Cuscuta</i> spp. -- Dodder.....	10
5. <i>Rumex crispus</i> -- Curly dock.....	30
6. <i>Salsola kali</i> var. <i>tenuifolia</i> -- Russian thistle.....	30
7. <i>Sida hederacea</i> -- Alkali mallow.....	30
8. <i>Tribulus terrestris</i> L. -- Puncturevine.....	10

C. The sale of agricultural, vegetable, or ornamental planting seed containing prohibited noxious weed seed is prohibited.

D. The sale of agricultural planting seed containing a single type of restricted noxious weed seed in excess of the limitations set forth in subsection (B) or in combination in excess of 50 per pound is prohibited.

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-112 renumbered without change as Section R3-4-403 (Supp. 89-1). Section R3-4-403 renumbered from R3-1-403 (Supp. 91-4). Section R3-4-403 repealed, new Section R3-4-403 renumbered from R3-4-405 and amended effective July 10, 1995 (Supp. 95-3).

R3-4-404. Vegetable Seed Germination Standards

The following list contains the minimum germination standards for vegetable seed, including hard seed, in containers of one pound or less.

Kind of Seed	Percent
Artichoke	60
Asparagus	70
Asparagusbean	75
Bean, garden	70
Bean, Lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	70
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55

Celery	55
Chard, Swiss	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60
Dill	60
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Melon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Sage	60
Salsify	75
Savory, summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).
Former Section R3-4-113 renumbered without change as
Section R3-4-404 (Supp. 89-1). Section R3-4-404 renum-
bered from R3-1-404 (Supp. 91-4). Section repealed, new
Section R3-4-404 renumbered from R3-4-406 and
amended effective July 10, 1995 (Supp. 95-3).

R3-4-405. Seed-certifying Agencies

- A.** Any agency seeking to obtain designation as a seed-certifying agency in Arizona shall meet the following requirements.
1. The agency shall be qualified by USDA to certify agricultural or vegetable planting seed as to variety, strain, and genetic purity.

2. The agency shall have a written seed certification protocol which includes standards, rules, and procedures for the certification of planting seed.
 3. The agency shall have procedures for accepting crops and varieties into a certification program.
 4. The agency shall be a member in good standing of a USDA-recognized association of official seed-certifying agencies such as the Association of Official Seed Certifying Agencies.
- B.** The Director or the Director's designee shall meet each calendar year with the director of the seed-certifying agency to review the agency's standards, rules, and procedures.
- C.** The Director may, after consulting with the Director of the Arizona Agricultural Experiment Station, revoke the agency's designation as the state seed-certifying agency after written 30 days' notice if the organization:
1. Fails to maintain qualifications, protocols, procedures, and membership as set forth in subsection (A); or
 2. Fails to follow federal and state standards, rules, and procedures.

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).
Former Section R3-4-114 renumbered without change as
Section R3-4-405 (Supp. 89-1). Section R3-4-405 renum-
bered from R3-1-405 (Supp. 91-4). Section R3-4-405
renumbered to R3-4-403, new Section R3-4-405 renum-
bered from R3-4-407 and amended effective July 10,
1995 (Supp. 95-3).

R3-4-406. Sampling and Analyzing Seed

- A.** The methods of taking, handling, analyzing, and testing samples of seed and the tolerances and methods of determination are set forth in the Federal Seed Act, 7 CFR 201.44 through 201.66, amended January 13, 1995, and in the *Rules for Testing Seeds*, Volume 16, Number 3, published by the Association of Official Seed Analysts, effective October 1, 1993. This material is incorporated by reference and is on file with the Secretary of State and does not include any later amendments or editions of the incorporated matter.
- B.** The dealer offering the seed for sale shall bear the expense of original germination and purity tests on each lot of seed offered for sale, as well as subsequent germination tests required by A.R.S. § 3-237. The Department shall bear the expense of testing seed samples drawn by a seed inspector from lots bearing valid labels.
- C.** General sampling procedures.
1. All parts of a lot or quantity of seed shall be accessible for sampling.
 2. Equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled.
 3. A probe or trier shall be used to sample free-flowing seed in bags or bulk. The probe or trier shall be long enough to sample all portions of a bag containing free-flowing seed.
 4. Nonfree-flowing seed which is difficult to sample with a probe or trier shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.
 5. Each portion of seed shall be examined as it is sampled. If there appears to be lack of uniformity of seed in the sampled portion, additional samples shall be taken to determine if there is a lack of uniformity.
- D.** Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or

screenings in bags of a size customarily used for such seed or screenings.

E. Sampling seed packaged in bags.

1. Each bag shall be sampled in a lot of six bags or less. A total of at least five trierfuls shall be taken.
2. Five bags plus at least 10% of the number of bags in the lot shall be sampled for lots of more than six bags. Regardless of the lot size, no more than 30 bags shall be sampled.
3. Samples shall be drawn from unopened bags, unless the identity of the seed has been preserved.
4. If seed required to be sampled is packaged in small containers which make it impractical to use the procedures set forth in subsections (E)(1) and (2), a portion of one unopened container or one or more entire unopened containers may be taken to supply the minimum size sample as set forth in subsection (F).

F. Sample size.

1. The minimum weights of seed samples required to be submitted for analysis test or examination shall be as follows:
 - a. Two ounces (57 grams) of grass seed not otherwise mentioned, white or alsike clover or seeds of similar or smaller size;
 - b. Five ounces (142 grams) of red or crimson clover, alfalfa, lespedezas, rye grasses, bromegrass, millet, flax, rape, or seeds of similar size;
 - c. One pound (454 grams) of Sudangrass, proso millet, hemp, or seeds of similar size;
 - d. Two pounds (907 grams) of cereals, sorghum, vetch, or seeds of similar or larger size;
 - e. Two quarts (2.2 liters) of screenings;
 - f. Coated seed for a purity analysis shall consist of at least 7,500 seed units. Coated seed for noxious-weed seed examination shall consist of at least 30,000 seed units. Coated seed for germination test only shall consist of at least 1,000 seed units.
2. A sample consisting of a minimum of 400 seeds is required for germination tests of vegetable seeds packaged in containers other than packets. Weights required for purity analysis of such vegetable seeds are set forth in 7 CFR 201.46 and in the *Rules for Testing Seeds* which are both incorporated by reference in subsection (A).

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).
Former Section R3-4-115 renumbered without change as Section R3-4-406 (Supp. 89-1). Section R3-4-406 renumbered from R3-1-406 (Supp. 91-4). Section R3-4-406 renumbered to R3-4-404, new Section R3-4-406 renumbered from R3-4-408 and amended effective July 10, 1995 (Supp. 95-3).

R3-4-407. Phytosanitary Field Inspection; Fee

- A.** Applicants seeking phytosanitary certification for interstate and international exportation of agriculture, vegetable, and ornamental planting seed shall submit a \$20.00 inspection fee and provide the following information on a form furnished by the Department:
1. The company name and address of the applicant;
 2. The kind, variety, and lot number of the seed;
 3. The number of acres on which the seed will be grown;
 4. The name of the grower;
 5. The county and field location;
 6. The date of the application;
 7. The countries of export;
 8. The seed treatment, if applicable;

9. The amount of treatment, if applicable;
 10. The approximate planting date;
 11. The approximate harvest date; and
 12. The export requirements.
- B.** The Department may contract with the state-certifying agency for field inspection at 20¢ per acre for any first or single required inspection and 10¢ per acre for each subsequent required inspection which shall be performed in conjunction with the seed certification program.
- C.** Field inspections conducted by the Department shall be based upon the following fee schedule and shall not exceed the maximum fee prescribed by A.R.S. § 3-233(A)(7):
1. Cotton: 80¢ per acre;
 2. Small grain: 20¢ per acre for the first inspection and 80¢ for the second inspection;
 3. Vegetable and all other crops: 20¢ for the first inspection and 80¢ for the second inspection.
- D.** If both the field inspection fee and the application fee exceeds the maximum fee per acre prescribed by A.R.S. § 3-233(A)(7), the application fee shall be voided and the maximum cost per acre shall be assessed.

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).
Former Section R3-4-116 renumbered without change as Section R3-4-407 (Supp. 89-1). Section R3-4-407 renumbered from R3-1-407 (Supp. 91-4). Section R3-4-407 renumbered to R3-4-405, new Section adopted effective July 10, 1995 (Supp. 95-3).

R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees

- A.** An applicant for a seed dealer or seed labeler license shall provide the following information to the Department:
1. The year for which the applicant wishes to be licensed;
 2. The applicant's name, company name, address, and telephone number;
 3. The current registration number, if applicable;
 4. The number of business locations being licensed;
 5. The address of each business location;
 6. The applicant's check number and the check amount;
 7. The date of the application; and
 8. The signature and title of the applicant.
- B.** Seed dealer and seed labeler licenses are not transferable and shall be valid for one year, or period thereof, expiring on June 30 unless otherwise provided in A.R.S. § 3-233(A)(6).
- C.** Completed applications shall be submitted to the Department and shall be accompanied by a nonrefundable fee of:
1. Seed dealers, \$25.00 per location;
 2. Seed labelers, \$40.00.

Historical Note

Adopted effective December 21, 1981 (Supp. 81-6).
Former Section R3-4-117 renumbered without change as Section R3-4-408 (Supp. 89-1). Section R3-4-408 renumbered from R3-1-408 (Supp. 91-4). Section R3-4-408 renumbered to R3-4-406, new Section adopted effective July 10, 1995 (Supp. 95-3).

ARTICLE 5. COLORED COTTON

R3-4-501. Colored Cotton Production and Processing

- A.** Definitions. In addition to the definitions provided in A.R.S. § 3-101 and A.A.C. R3-4-102, the following terms apply to this Section:
1. "Certified" means having been inspected with a written certificate of inspection issued by an inspector of the Department.

2. "Colored cotton" means any variety of cotton plants of the Genus *Gossypium* that produces fiber that is naturally any color other than white.
 3. "Cottonseed" means processed seed cotton used for propagation, animal feed, crushed or composted fertilizer, or oil.
 4. "Composting" means a process that creates conditions that facilitate the controlled decomposition of organic matter into a more stable and easily handled soil amendment or fertilizer, usually by piling, aerating and moistening; or the product of such a process.
 5. "Delinting" means the process of using acid, flame, or mechanical means to remove fiber that remains on cottonseed after ginning.
 6. "Planting seed" means seed of a known variety produced for planting subsequent generations.
 7. "Seed cotton" means raw cotton containing seed and lint that has been harvested from a field, but has not been ginned.
 8. "White cotton" means any variety of the Genus *Gossypium* that produces white fiber as established in 28 U.S.C. 401 through 451, the Official Cotton Standards of the United States for the Color Grade of American Upland Cotton, revised July 1, 1993; and Cotton Classification Results, revised July 1994. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Production requirements.**
1. A producer who intends to grow colored cotton shall register in writing with the Department. The registration form shall be received at least 30 days before the cotton planting date for the applicable cultural cotton zone established in R3-4-204. Any colored cotton not registered with the Department shall be abated as established in A.R.S. §§ 3-204 and 3-205, and the producer may be assessed a civil penalty as established in A.R.S. § 205.02. The registration shall include:
 - a. The name, address, telephone number, and signature of the producer;
 - b. The name, address, telephone number, and signature of the property owner;
 - c. The name, address, and telephone number of the organization or company contracting for the production of colored cotton or to whom the colored cotton will be sold, if known;
 - d. The total number of acres to be planted;
 - e. The geographical location of the proposed fields by county, section, township and range; and
 - f. The name of the property owners, if known, adjacent to the field where colored cotton will be grown.
 2. Separation of white and colored cotton.
 - a. A colored cotton producer shall ensure that all colored cotton is planted no less than 500 feet from any white cotton field.
 - b. All producers of white cotton saved for planting seed shall comply with the Field Standards in the Arizona Crop Improvement Association's Cotton Seed Certification Standards, revised July 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
 3. A producer shall not plant white cotton on land on which colored cotton has been grown until 1 or more irrigated non-cotton crops have been produced on that land. If the non-cotton crop is not grown during a traditional cotton growing season, as established by R3-4-204(E), the field shall be irrigated before planting a white cotton crop.
- C. Cotton appliances.**
1. No cotton producer, contractor, or ginner shall use a cotton appliance or gin to produce, transport, or handle white cotton after the gin or appliance has been used in the production, transportation, or handling of colored cotton until the Department inspects the cotton appliance or gin and finds it free of colored cottonseed, seed cotton, fiber, and gin trash. A cotton producer, contractor, or ginner shall notify the Department at least 48 hours, excluding Sundays and legal holidays, before an inspection is needed.
 2. Colored seed cotton, cottonseed, fiber, and gin trash cleaned from cotton equipment, shall be composted or disposed of by the producer or ginner:
 - a. On land where gin trash has previously been disposed and the land is managed as specified in subsection (B)(3); or
 - b. In a landfill approved by the Department.
 3. The Department shall legibly mark cotton appliances designated for exclusive use on colored cotton crops.
- D. Transportation.** Except in gin yards, colored cottonseed or colored seed cotton transported over public roads shall be totally enclosed or covered.
- E. Gin requirements.**
1. A gin owner or manager planning to process colored cotton shall notify the Department, in writing, no less than 30 days before processing the colored cotton.
 2. The Department shall notify the Arizona Crop Improvement Association of a gin owner's or manager's intention to process colored cotton within 10 days from the receipt of the notification from the gin.
 3. A gin owner or manager processing colored cotton shall not process white cotton until the gin has been cleaned, and inspected by the Department. The gin shall be free of cottonseed, seed cotton, and loose lint as established in subsection (C)(1).
 4. If a gin processes colored seed cotton and white seed cotton during the same season, and the white cottonseed is not retained by the plant breeder for research purposes, the producer shall market the white cottonseed as:
 - a. Animal feed,
 - b. Crushed or composted fertilizer, or
 - c. Oil.
 5. The ginner shall legibly mark colored seed cotton kept in the gin yard or gin buildings and shall:
 - a. Isolate the seed cotton at least 500 feet from white seed cotton, or
 - b. Enclose it with 2 foot high chicken wire or chain link fencing.
 6. Gin trash not disposed as established in subsection (C)(2) shall be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq., amended August 30, 1994. This material is incorporated by reference, does not include any later amendments or editions

of the incorporated matter, and is on file with the Office of the Secretary of State.

7. The ginner shall bale or bag colored cotton fiber and mark the bale or bag as colored cotton.

F. Seed Requirements.

1. A producer or contracting organization, set forth in subsection (B)(1), saving colored cottonseed for propagative purposes shall legibly label the colored planting seed container and notify the Department of:
 - a. The quantity,
 - b. The variety or color,
 - c. The location where the colored planting seed is held or stored, and
 - d. Whether any seed will be shipped out-of-state.
2. If the cotton seed is being delinted in Arizona, the delinting facility shall follow the requirements in Harvesting, Handling and Tagging that are included in the Cotton Seed Certification Standards and have been incorporated by reference in subsection (B)(2)(b).
3. The producer shall render non-viable non-delinted (fuzzy) colored cottonseed not used for propagative purposes by crushing or composting. Whole or cracked colored cottonseed shall not be used as animal feed in Arizona but may be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq.
4. Cotton producers shall not transport unbagged white cotton planting seed using vehicles or other equipment previously used to transport whole or cracked colored cottonseed until the Department has certified that these vehicles and equipment are free of colored cottonseed.

G. Advisory committee. The Director shall appoint an advisory committee, under A.R.S. § 3-106, to review colored cotton statutes and rules, inspection procedures, and certification methods. The committee shall be appointed for 2-year staggered terms and a member may be reappointed for 1 additional term. The committee shall consist of 1 representative from each of the following categories:

1. The Cotton Research and Protection Council,
2. The Arizona Crop Improvement Association,
3. The Arizona Department of Agriculture,
4. The Arizona Cotton Growers Association,
5. A colored cotton producer,
6. A ginner ginning colored cotton, and
7. A contractor for the production of colored cotton.

Historical Note

Former Rule, Apiary Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Former Section R3-4-120 renumbered without change as Section R3-4-501 (Supp. 89-1). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-4-501 renumbered from R3-1-501 (Supp. 91-4). Former Section R3-4-501 repealed, new Section R3-4-501 adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995 now the permanent effective date (Supp. 96-3). New Section R3-4-501 renumbered from R3-4-205 and amended April 9, 1998 (Supp. 98-2).

R3-4-502. Repealed

Historical Note

Adopted effective December 22, 1989 (Supp. 89-4) Section R3-4-502 renumbered from R3-1-502 (Supp. 91-4). Former Section R3-4-502 repealed, new Section R3-4-502 adopted effective October 15, 1993 (Supp. 93-4). R3-4-502 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

R3-4-503. Repealed

Historical Note

Adopted as an emergency effective December 31, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Adopted as a permanent rule effective April 4, 1985 (Supp. 85-2). Former Sections R3-4-121.01, R3-4-121.02, R3-4-121.03, and R3-4-121.04 added to Section R3-4-121 and amended effective October 8, 1987 (Supp. 87-4). Former Section R3-4-121 renumbered without change as Section R3-4-502 (Supp. 89-1). Former Section R3-4-502 renumbered without change as Section R3-4-503 (Supp. 89-4). Repealed effective August 16, 1990 (Supp. 90-3). Section R3-4-503 renumbered from R3-1-503 (Supp. 91-4). New Section R3-4-503 adopted effective October 15, 1993 (Supp. 93-4). R3-4-503 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

R3-4-504. Repealed

Historical Note

Adopted as an emergency effective September 27, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Emergency expired. Former Sections R3-4-122.01 through R3-4-122.03, emergency expired. New Section R3-4-122 adopted effective March 6, 1987 (Supp. 87-1). Former Section R3-4-122 renumbered without change as Section R3-4-503 (Supp. 89-1). Former Section R3-4-503 renumbered without change as Section R3-4-504 (Supp. 89-4). Section R3-4-504 renumbered from R3-1-504 (Supp. 91-4). Former Section R3-4-504 repealed, new Section R3-4-504 adopted effective October 15, 1993 (Supp. 93-4). R3-4-504 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

R3-4-505. Repealed

Historical Note

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-505 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

R3-4-506. Repealed**Historical Note**

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

ARTICLE 6. ARIZONA NATIVE PLANTS**R3-4-601. Definitions**

In this Article, unless the context otherwise requires:

1. "Agent" means one authorized to manage, represent, and act for the landowner.
2. "Blue seal" means a blue metal seal, stamped with the letters ADA, issued by the Department to identify plants which are of the protected native plant families, genera, or species which are to be moved from locations which are not their original growing sites.
3. "Cord" means a specific type cord issued by the Department and used to attach native plant tags or seals to protected plants.
4. "Destroy" means to cause the death of any protected native plant by any means.
5. "Device, equipment or vehicle" means any implement which is used to unlawfully take, destroy, mutilate, dig, transport, or possess any protected plant, plant part, or woody parts.
6. "Imported plants" means any plant not grown in Arizona but which is of the protected native plant families, genera, or species, as referenced in A.R.S. § 3-903(B) and listed in Appendix A.
7. "Inaccessible" means protected native plants that are not easy to approach by conventional transportation.
8. "Landowner" means a person who holds fee title to a parcel of land.
9. "Mutilate" means to maim, damage, or disfigure any protected native plant.
10. "Original growing site" means the place in the wild where the plant is rooted to the ground or any property owned by the same landowner where the protected native plant is relocated or transplanted.
11. "Permit" means Native Plant Removal and Transportation Permit issued by the Department.
12. "Permittee" means any person who is issued a valid Native Plant Removal and Transportation Permit by the Department for the removal and transportation of protected native plants.
13. "Protected native plants" means any living plant or plant part of the species growing wild in the state of Arizona which are referenced in A.R.S. § 3-903(B) and listed in Appendix A;
14. "Red seal" means a red metal seal, stamped with the letters ADA, issued by the Department to identify protected saguaro cacti.
15. "Scientific or educational collection" means protected native plants used in a controlled experimental project carried on within established guidelines by qualified individuals intended to address specific questions or to publicly display the plants for educational purposes.
16. "Securely affixed" means to fasten in a tight and secure manner to prevent removal of native plant tags, seals, or string.
17. "Simple survey" means the process by which a parcel of land is examined for the presence of protected native

plants without a determination being made of the kind and number of each species.

18. "Survey" means the process by which a parcel of land is examined for the presence of protected native plants to determine the kind and number of each species.
19. "Unsalvageable protected native plant" means a native plant which, due to an inaccessible location, severe growing conditions, its size, or the presence of disease or injury, has no economic value or public use.
20. "White seal" means a white metal seal, stamped with the letters ADA, used to identify all protected native plants except saguaro cacti.
21. "White tag" means a white tag issued by the Department to identify any saguaro being moved from its original growing site.
22. "Yellow tag" means a yellow tag issued by the Department to identify any protected native plant, except saguaro, being moved from its original growing site.

Historical Note

Former Rule, Native Plant Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Amended by adding subsection (E) effective January 21, 1981 (Supp. 81-1). Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-130 renumbered without change as Section R3-4-601 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-601 renumbered from R3-1-601 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-602. Notice of Intent: Written or Oral

- A. All landowners shall submit a Notice of Intent to the Department before a protected native plant is destroyed, pursuant to A.R.S. § 3-904. The Notice of Intent shall consist of the following information:
 1. The name, address, and telephone number of the landowner;
 2. The name, address, and telephone number of the landowner's agent in this state who can be contacted by the Department about the destruction or salvage of the protected native plant if the landowner is not a resident of this state or is otherwise unavailable;
 3. The most recent tax parcel ID number of the permit site, or other tax assessment documents indicating land ownership;
 4. A legal description, assessor's parcel number, map, address, or other adequate description of the area and the surrounding land for 1/2 mile in each direction in which the protected native plants subject to the destruction are located;
 5. The earliest date that the plant destruction will begin;
 6. The landowner's intentions for the disposal or salvage of native plants on the private land.
- B. Landowners who will destroy protected native plants over an area of one acre or less may submit all of the above information orally in lieu of written notification to the Department, as prescribed by A.R.S. 3-904(C)(2).

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-131 renumbered without change as Section R3-4-602 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-602 renumbered from R3-1-602 (Supp. 91-

- 4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-603. Confirmation of Notice of Intent

- A.** Upon receipt of a Notice of Intent, either written or oral, a confirmation copy of the Notice of Intent shall be mailed by the Department to the landowner or agent.
- B.** The landowner may not proceed with the destruction until the landowner receives the confirmation copy of the Notice of Intent from the Department, and the time prescribed under A.R.S. § 3-904(A) has elapsed.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Correction, amendment effective May 15, 1984 deleted samples of forms (Supp. 86-1). Former Section R3-4-132 renumbered without change as Section R3-4-603 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-603 renumbered from R3-1-603 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-604. Public Notice: Posting and Mailing List; Fee

When the Department receives notice from the landowner of the planned destruction of protected native plants, the Department shall:

1. Give notice to the public, pursuant to A.R.S. § 3-904(E), and shall post the notice in a conspicuous location in the public area of the division office in the county where the protected native plants are located.
2. Give notice by mail to any person requesting such information. Such person may obtain the information from the Department by completing an official Department request form, or by giving their name, address, and telephone number and paying an annual nonrefundable fee of \$25.00 to the Department at the time the request is submitted.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Former Section R3-4-133 renumbered without change as Section R3-4-604 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-604 renumbered from R3-1-604 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-605. State Agencies - Disposal and Salvage of Protected Native Plants

- A.** To preserve protected native plants on state land, a state agency may dispose of the protected native plants using any of the following methods:
1. The plants may be sold at public auction;
 2. The plants may be relocated or transported to a different location on the same property or to another property owned by the state;
 3. The state agency may obtain permits for removal of the plants for revegetation projects;
 4. The plants may be donated to scientific, educational, research, and charitable institutions;
 5. The plants may be donated to other state agencies or municipalities;
 6. The plants may be salvaged by the general public or commercial dealers.

- B.** Pursuant to A.R.S. § 3-905(C), the Department shall require that a survey be conducted, as prescribed by R3-4-606, to determine the kinds and approximate number of plants involved in the salvage or harvest.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-134 renumbered without change as Section R3-4-605 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-605 renumbered from R3-1-605 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-606. Protected Native Plant Survey; Fee

- A.** Pursuant to A.R.S. § 3-910(B), written reports of plant survey results shall be required prior to the issuance of a permit, except for permits issued for the salvage of salvage-assessed native plants, as set forth in A.R.S. § 3-906(C).
- B.** The owner, permittee, or agent shall have the option to conduct the survey or to request that the survey be conducted by the Department.
- C.** If the owner, permittee or agent chooses to conduct the survey, the following survey information shall be completed on a form furnished by the Department:
1. The name, address, telephone number, and signature of the owner, permittee, or agent performing the survey;
 2. The date the survey was performed;
 3. The survey results including the names and numbers of plants;
- D.** The Department upon request shall conduct the survey which shall be completed within 20 working days. Upon completion of the survey, the Department shall mail a letter of confirmation to the landowner or agent which shall include:
1. The date the survey was performed;
 2. The survey fee payable to the Department;
 3. The name of Department personnel performing the survey;
 4. The survey results including the names and numbers of plants.
- E.** There shall be no fee for conducting a simple survey.
- F.** Fees established for a Department-conducted survey shall include but not be limited to time, as prescribed by A.R.S. § 38-611(B), and travel, as prescribed by A.R.S. § 38-623(C) and (D), shall be paid to the Department by the permittee requesting the survey, pursuant to A.R.S. § 3-910.
- G.** All fees shall be paid to the Department within 30 days from the date of the letter of confirmation.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-135 renumbered without change as Section R3-4-606 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-606 renumbered from R3-1-606 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4).

R3-4-607. Seminars, Training Courses, Pamphlets and Printed Material; Fee

- A.** The Department shall charge a \$5.00 fee per session to a person who attends a seminar or training class.
- B.** Schools, law enforcement agencies, and government entities shall be exempt from fees for seminars or training classes offered by the Department.

- C. The time, date, and location of the training class shall be set by the Department.
- D. The Department shall charge an additional fee for printed material or pamphlets based on document printing and mailing costs.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-137 renumbered without change as Section R3-4-608 (Supp. 89-1). Former Section R3-4-607 repealed, new Section R3-4-607 renumbered from R3-4-608 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-607 renumbered from R3-1-607 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-608. Native Plant Law Educational Classes; Fee

- A. A person convicted of violating the Arizona native plant statutes or rules and ordered by the court to attend a native plant law educational class, pursuant to A.R.S. § 3-911, shall pay a nonrefundable fee of \$15.00 to the Department prior to class.
- B. The time, date, and location of the educational class shall be set by the Department.
- C. The Department shall provide written confirmation to those persons who have satisfactorily completed the native plant law educational class.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-138 renumbered without change as Section R3-4-609 (Supp. 89-1). Former Section R3-4-608 renumbered to R3-4-607, new Section R3-4-608 adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-608 renumbered from R3-1-608 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-609. Permits

- A. Upon completion of the permit requirements, the Department shall issue Native Plant Removal and Transportation Permits which authorize the permittee to remove and transport protected native plants for highly safeguarded, salvage-restricted, salvage-assessed, and harvest-restricted native plant categories, pursuant to A.R.S. § 3-903(B) and listed in Appendix A. This permit shall include:
 1. The name or business name, address, telephone number and signature of the permittee;
 2. The name of the landowner, except for salvage-assessed native plants;
 3. The destination address where the plants will be transplanted, except for salvage-assessed native plants;
 4. The legal and physical description of the location of the original growing site, except for salvage-assessed native plants;
 5. The name and number of plants to be removed;
 6. The purpose for plant removal;
 7. The date and place of permit issue;
 8. The date of permit expiration;
 9. The number of each tag or wood receipt issued under permit by the Department;
 10. The fee assessed by the Department for the tags or wood receipts;
 11. The name and title of the Department employee issuing the permit, tags or wood receipts.

- B. Salvage-assessed permits and plant tags are valid for the calendar year in which they are issued. The tags shall expire unless the permit is renewed.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-139 renumbered without change as Section R3-4-610 (Supp. 89-1). Former Section R3-4-609 repealed, new Section R3-4-609 renumbered from R3-4-610 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-609 renumbered from R3-1-609 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-610. Qualifications for Permit Applicants

- A. Applicants for a permit shall:
 1. Submit an application to the Department which shall include:
 - a. The name, business name, address, telephone number, and signature of the applicant;
 - b. The name, address and telephone number of the landowner, except salvage-assessed native plants;
 - c. The location of the permit site and size of acreage, except salvage-assessed native plants;
 - d. The most recent tax parcel ID number available for the permit site, or other tax assessment documents indicating land ownership, except salvage-assessed native plants;
 - e. The name and number of plants to be removed;
 - f. The purpose for plant removal.
 2. Be 18 years of age or older.
 3. Inform the Department of any previous conviction of a state or federal statute regarding the protection of native plants within the previous five years.
- B. The Director may refuse to issue or may revoke a permit for any of the following acts:
 1. A violation of the Arizona native plant statute, A.R.S. Title 3, Chapter 7, Articles 1 and 2, its rules, or any federal native plant statute;
 2. Failure of an applicant or permittee to submit a complete and accurate permit application;
 3. Misuse of a permit, tags, or metal seals.
- C. The permittee may request in writing that the Department provide an administrative hearing to appeal any refusal or revocation of a permit, pursuant to A.R.S. § 41-1061 et seq.

Historical Note

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-140 renumbered without change as Section R3-4-611 (Supp. 89-1). Former Section R3-4-610 renumbered to R3-4-609, new Section R3-4-610 renumbered from R3-4-611 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-610 renumbered from R3-1-610 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4).

R3-4-611. Qualifications for Salvage Assessed Native Plant Permits

- A. All applicants for a permit to collect, transport, and possess salvage-assessed native plants shall comply with the application requirements in R3-4-610.
- B. The Director may refuse to issue or may revoke a permit for any of the following acts:

1. Failure of a permittee to submit a complete and accurate transaction report, as defined in subsection (D);
 2. Failure to obtain written approval by the landowner or agent for the removal of a plant;
 3. Failure to allow the Department to inspect transaction records;
 4. Failure of a permittee to have transaction records, as defined in subsection (D), available to Department inspectors to inspect at permittee's address listed on permit.
- C. Pursuant to A.R.S. § 3-910(B), each permittee shall keep, for a period of two years from the date of each transaction, a complete record of each plant removed under the annual permit. The transaction record shall include:
1. The date plants were removed;
 2. The permit and tag numbers.
- D. Prior to January 31st of the following calendar year, the permittee shall submit a copy of each transaction that took place during the prior calendar year.
- E. Transaction records shall be kept by the permittee and the permittee shall allow inspection of the records by the Department during normal business hours.

Historical Note

Renumbered to R3-4-610 effective December 28, 1990 (Supp. 90-4). Section R3-4-611 renumbered from R3-1-611 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-612. Qualifications for Annual Permits for Harvest-restricted Native Plants; Fee

- A. All applicants for a permit to collect, transport, and possess harvest-restricted native plants shall comply with the application requirements in R3-4-610 and R3-4-611, with the exception of R3-4-611(E).
- B. After issuance of the permit, the permittee shall weigh all unprocessed *nolina* and *yucca* fiber at an approved bonded scale.
- C. The permittee shall mail the weight certificates and shall pay a \$3.00 nonrefundable fee, as prescribed by R3-4-614, to the Department no later than the tenth day of each month following harvest.
- D. No later than the tenth day of each month following harvest, the permittee shall submit the transaction records to the Department for each month that a transaction took place or shall submit a written statement that no transaction was conducted for that month.

Historical Note

Adopted effective April 30, 1982 (Supp. 82-2). Former Section R3-4-141 renumbered without change as Section R3-4-612 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-612 renumbered from R3-1-612 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-613. Native Plant Permit Fees; Exemptions

- A. Any person wishing to collect protected native plants shall submit the following applicable fee to the Department with the permit application prescribed in R3-4-610:
1. Salvage-assessed native plants, annual use; \$25.
 2. Harvest-restricted native plants, annual use; \$25.
 3. All other native plants, 1-time use; \$5.
- B. The Department shall exempt from permit fees plants for personal use by a landowner or plants relocated to a scientific and educational provided that:
1. The plants intended for personal use by the landowner are taken from 1 piece of land owned by the landowner to

another piece of land also owned by the landowner, remain the property of the landowner, and are not sold or offered for sale, or

2. The plants intended for scientific and educational purposes are relocated to a scientific and educational collection.

Historical Note

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3).

R3-4-614. Native Plant Tag Assessments and Receipt Fees

- A. Any person wishing to obtain white or yellow tags shall submit the following applicable fee to the Department with the permit application prescribed in R3-4-610 at the time the tag is obtained:
1. Saguaro; \$5 per plant.
 2. Trees cut for firewood and listed in the harvest restricted category; \$3 per cord.
 3. *Coryphantha*, *mammillaria* and pincushion cactus; 50¢ per plant.
 4. All other protected native plants referenced in A.R.S. § 3-903(B) and listed in Appendix A; \$3 per plant.
- B. Assessment fees for harvested restricted native plants of *nolina* and *yucca* parts shall be paid to the Department at \$3 per ton no later than the 10th day of the month following each harvest.

Historical Note

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3).

R3-4-615. Procedures for Attaching Tags, Metal Seals, and Cord to Protected Native Plants

- A. The permittee shall obtain all requisite tags, red and white metal seals, and cord from the Department after paying the required fees and use them in the following manner:
1. The cord shall be securely affixed around the middle of the plant and knotted with tag attached.
 2. The cord shall be placed on the plant so that it cannot be removed without breaking the seal or cutting the cord.
 3. The metal seal shall be placed directly over the knot and snapped firmly closed.
 4. A tag used to identify a specific native plant shall be attached to the plant before being transported from the permitted property.
 5. Upon loading the plant, every effort shall be made to make the tag visible during transporting.
- B. No rope, string, twine or wire shall be used to attach metal seals or tags to a protected native plant except for the cord provided by the Department at the time the permit, tags, and metal seals are obtained by the permittee.

Historical Note

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616)

(Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4).

R3-4-616. Use of Metal Seals, Movement Permit

- A.** Any person wishing to move a protected native plant that has previously been transplanted from its original growing site in Arizona and will be transplanted to another location shall apply to the Department for a Movement Permit. The property owner where the plant is being moved from shall provide the following information on the permit application. The Movement Permit shall contain:
1. The property owner's name and telephone number;
 2. The location of the plant;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plants to be removed;
 5. The signature of the property owner; and
 6. The date of the application.
- B.** Any person wishing to move a protected native plant that has been obtained outside Arizona and will be transported and planted within the state shall declare the protected native plant at the agricultural inspection station nearest the port of entry. The Department shall place the protected native plant under quarantine to the nearest district office. The person shall obtain a yellow seal and a movement permit at the nearest district office. If no agricultural inspection station is in operation at the port of entry, the person shall declare the protected native plant at the nearest district office and obtain the yellow seal and Movement Permit.
- C.** Any person wishing to move protected native plants shall obtain, at cost, metal seals from the Department.
1. Blue seals, which have a 1-time use, shall be securely attached to identify each protected native plant described in subsection (A).
 2. White seals, which have a 1-time use, shall be securely attached to identify protected native plants, other than saguaro cacti, before taking or removing the plants from their original growing sites.
 3. Red seals, which have a 1-time use, shall be securely attached to identify protected saguaro cacti before taking or removing the plants from their original growing sites;
 4. Yellow seals, which have a 1-time use, shall be securely attached to identify protected native plants described in subsection (B).

Historical Note

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-616 adopted effective January 17, 1989 (see also R3-4-615) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-616 renumbered from R3-1-616 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3).

R3-4-617. Misuse of Permits, Tags, or Metal Seals

- A.** Pursuant to A.R.S. § 3-912, the Department may suspend, revoke, or refuse to renew a permit and may confiscate permits, tags or metal seals for any of the following acts:
1. Taking of plants from areas other than locations listed on the permit or taking of plants not specified on the permit;

2. Allowing use of the permit, tags, or metal seals by anyone except the permittee or designated agent;
 3. Using tags other than those numbered and listed on the permit;
 4. Removing native plant tags or metal seals for reuse after delivery of plants to the final owner;
 5. Using permits, tags, or metal seals past their expiration date;
 6. Selling permits, tags, or metal seals to anyone;
 7. Failing to comply with the Arizona native plant statute, its rules, or any federal native plant statute;
 8. Giving false statements on applications;
 9. Making copies of permits for use by persons other than the permittee or designated agent.
- B.** The permittee may request, in writing, that the Department provide an administrative hearing, pursuant to A.R.S. § 41-1061 et seq. to appeal action taken against renewal of a permit or confiscation of a permit, tag, or metal seal.

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-618. Confiscation of Plants, Plant Parts, Wood, or Fiber as Evidence

- A.** Following any determination by a court or the Department that a native plant law has been violated, all plants, plant parts, wood, or fiber confiscated and held as evidence shall become the property of the state, unless the court or the Department orders otherwise.
- B.** Following a final decision by a court or the Department that a native plant law has been violated, confiscated items needed as evidence shall be held pending appeal. If the defendant appeals the conviction, the confiscated evidence shall be held by the Department pending ruling by the appellate court.
- C.** All confiscated evidence which becomes the property of the state shall be disposed of by the Department in the best interest of the state.

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-618 renumbered from R3-1-618 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3).

R3-4-619. Repealed

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-619 renumbered from R3-1-619 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-620. Repealed

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-620 renumbered from R3-1-620 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-621. Repealed

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-621 renumbered from R3-1-621 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-622. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-622 renumbered from R3-1-622 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-623. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-623 renumbered from R3-1-623 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-624. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-624 renumbered from R3-1-624 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-625. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-625 renumbered from R3-1-625 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-626. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-626 renumbered from R3-1-626 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-627. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-627 renumbered from R3-1-627 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-628. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-628 renumbered from R3-1-628 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-629. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-629 renumbered from R3-1-629 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-630. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-630 renumbered from R3-1-630 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-631. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-631 renumbered from R3-1-631 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-632. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-632 renumbered from R3-1-632 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

R3-4-633. Repealed**Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633 renumbered from R3-1-633 (Supp. 91-4).
Section repealed effective July 6, 1993 (Supp. 93-3).

APPENDIX A**PROTECTED NATIVE PLANTS BY CATEGORIES**

- A. Highly Safeguarded Protected Native Plants. The following list includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in Arizona are in jeopardy or which are in danger of extinction.

AGAVACEAE Agave Family

Agave arizonica Gentry & Weber—Arizona agave

Agave delamateri Hodgson & Slauson

Agave murpheyi Gibson—Hohokam agave

Agave parviflora Torr.—Santa Cruz striped agave,
Small-flowered agave

Agave schottii Engelm. var. *treleasei* (Toumey)
Kearney & Peebles

APIACEAE Parsley Family. [= Umbelliferae]

Lilaeopsis schaffneriana (Schlecht.) Coult. & Rose
ssp. *recurva* (A. W. Hill) Affolter—Cienega false
rush, Huachuca water umbel.

Syn.: *Lilaeopsis recurva* A. W. Hill

APOCYNACEAE Dogbane Family

Amsonia kearneyana Woods.—Kearney's bluestar

Cycladenia humilis Benth. var. *jonesii* (Eastw.)
Welsh & Atwood—Jone's cycladenia

ASCLEPIADACEAE Milkweed Family

Asclepias welshii N. & P. Holmgren—Welsh's milk-
weed

ASTERACEAE Sunflower Family [= Compositae]

Erigeron lemmonii Gray—Lemmon fleabane

Senecio franciscanus Greene—San Francisco Peaks
groundsel

Senecio huachucanus Gray—Huachuca groundsel

BURSERACEAE Torch Wood Family

Bursera fagaroides (H.B.K.) Engler—Fragrant burs-
era

CACTACEAE Cactus Family

Carnegiea gigantea (Engelm.) Britt. & Rose—
Saguaro: 'Crested' or 'Fan-top' form only
Syn.: *Cereus giganteus* Engelm.

Coryphantha recurvata (Engelm.) Britt. & Rose—
Golden-chested beehive cactus

Syn.: *Mammillaria recurvata* Engelm.

Coryphantha robbinsorum (W. H. Earle) A. Zim-
merman—Cochise pincushion cactus, Robbin's cory
cactus.

Syn.: *Cochiseia robbinsorum* W.H. Earle

Coryphantha scheeri (Kuntze) L. Benson var.
robustispina (Schott) L. Benson—Scheer's strong-
spined cory cactus.

Syn.: *Mammillaria robustispina* Schott

Echinocactus horizontalis Lemaire var. *nicholii*
L. Benson—Nichol's Turk's head cactus

Echinocereus triglochidiatus Engelm. var. *arizonicus* (Rose ex Orcutt) L. Benson—Arizona hedgehog cactus

Echinomastus erectocentrus (Coul.) Britt. & Rose var. *acunensis* (W.T. Marshall) L. Benson—Acuna cactus

Syn.: *Neolloydia erectocentra* (Coul.) L. Benson var. *acunensis* (W. T. Marshall) L. Benson

Pediocactus bradyi L. Benson—Brady's pincushion cactus

Pediocactus paradinei B. W. Benson—Paradine plains cactus

Pediocactus peeblesianus (Croizat) L. Benson var. *fickeiseniae* L. Benson

Pediocactus peeblesianus (Croizat) L. Benson var. *peeblesianus* Peebles' Navajo cactus, Navajo plains cactus

Syn.: *Navajoa peeblesiana* Croizat

Pediocactus sileri (Engelm.) L. Benson—Siler pincushion cactus

Syn.: *Utahia sileri* (Engelm.) Britt. & Rose

COCHLOSPERMACEAE Cochlospermum Family

Amoreuxia gonzalezii Sprague & Riley

CYPERACEAE Sedge Family

Carex specuicola J. T. Howell—Navajo sedge

FABACEAE Pea Family [=Leguminosae]

Astragalus cremnophylax Barneby var. *cremnophylax* Sentry milk vetch

Astragalus holmgreniorum Barneby—Holmgren milk-vetch

Dalea tentaculoides Gentry—Gentry indigo bush

LENNOACEAE Lennoa Family

Pholisma arenarium Nutt.—Scaly-stemmed sand plant

Pholisma sonora (Torr. ex Gray) Yatskievych—Sandfood, sandroot

Syn.: *Ammobroma sonora* Torr. ex Gray

LILIACEAE Lily Family

Allium gooddingii Ownbey—Goodding's onion

ORCHIDACEAE Orchid Family

Cypripedium calceolus L. var. *pubescens* (Willd.) Correll—Yellow lady's slipper

Hexalectris warnockii Ames & Correll—Texas purple spike

Spiranthes delitescens C. Sheviak

POACEAE Grass Family [=Gramineae]

Puccinellia parishii A.S. Hitchc.—Parish alkali grass

POLYGONACEAE Buckwheat Family

Rumex orthoneurus Rech. f.

PSILOTACEAE Psilotum Family

Psilotum nudum (L.) Beauv. Bush Moss, Whisk Fern

RANUNCULACEAE Buttercup Family

Cimicifuga arizonica Wats.—Arizona bugbane

Clematis hirsutissima Pursh var. *arizonica* (Heller) Erickson—Arizona leatherflower

ROSACEAE Rose Family

Purshia subintegra (Kearney) J. Hendrickson—Arizona cliffrose, Burro Creek cliffrose
Syn.: *Cowania subintegra* Kearney

SALICACEAE Willow Family

Salix arizonica Dorn—Arizona willow

SCROPHULARIACEAE Figwort Family

Penstemon discolor Keck—Variegated beardtongue

- B.** Salvage Restricted Protected Native Plants. The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to damage by theft or vandalism. In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants.

AGAVACEAE Agave Family

Agave chrysantha Peebles

Agave deserti Engelm. ssp. *simplex* Gentry—Desert agave

Agave mckelveyana Gentry

Agave palmeri Engelm.

Agave parryi Engelm. var. *couseii* (Engelm. ex Trel.) Kearney & Peebles

Agave parryi Engelm. var. *huachucensis* (Baker) Little ex L. Benson

Syn.: *Agave huachucensis* Baker

Agave parryi Engelm. var. *parryi*

Agave schottii Engelm. var. *schottii* – Shindigger

Agave toumeyana Trel. ssp. *bella* (Breitung) Gentry

Agave toumeyana Trel. ssp. *toumeyana*

Agave utahensis Engelm. ssp. *kaibabensis* (McKelvey) Gentry

Syn.: *Agave kaibabensis* McKelvey

Agave utahensis Engelm. var. *utahensis*

Dasyllirion wheeleri Wats.—Sotol, desert spoon

Nolina bigelovii (Torr.) Wats.—Bigelow's nolina

Nolina microcarpa Wats.—Beargrass, sacahuista

Nolina parryi Wats.—Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.—Bunchgrass

Yucca angustissima Engelm. var. *angustissima*

Yucca angustissima Engelm. var. *kanabensis* (McKelvey) Reveal

Syn.: *Yucca kanabensis* McKelvey

Yucca arizonica McKelvey

Yucca baccata Torr. var. *baccata*—Banana yucca

Yucca baccata Torr. var. *vespertina* McKelvey

Yucca baileyi Woot. & Standl. var. *intermedia* (McKelvey) Reveal

Syn.: *Yucca navajoa* Webber

Yucca brevifolia Engelm. var. *brevifolia*—Joshua tree

Yucca brevifolia Engelm. var. *jaegeriana* McKelvey

Yucca elata Engelm. var. *elata*—Soaptree yucca, palmilla

- Yucca elata* Engelm. var. *utahensis* (McKelvey) Reveal
Syn.: *Yucca utahensis* McKelvey
- Yucca elata* Engelm. var. *verdiensis* (McKelvey) Reveal
Syn.: *Yucca verdiensis* McKelvey
- Yucca harrimaniae* Trel.
- Yucca schidigera* Roezl.–Mohave yucca, Spanish dagger
- Yucca schottii* Engelm.–Hairy yucca
- Yucca thornberi* McKelvey
- Yucca whipplei* Torr. var. *whipplei*–Our Lord's candle
Syn.: *Yucca newberryi* McKelvey
- AMARYLLIDACEAE Amaryllis Family
- Zephyranthes longifolia* Hemsl.–Plains Rain Lily
- ANACARDIACEAE Sumac Family
- Rhus kearneyi* Barkley–Kearney Sumac
- ARECACEAE Palm Family [=Palmae]
- Washingtonia filifera* (Linden ex Andre) H. Wendl–California fan palm
- ASTERACEAE Sunflower Family [=Compositae]
- Cirsium parryi* (Gray) Petrak ssp. *mogollonicum* Schaak
- Cirsium virginensis* Welsh–Virgin thistle
- Erigeron kuschei* Eastw.–Chiricahua fleabane
- Erigeron piscaticus* Nesom–Fish Creek fleabane
- Flaveria macdougalii* Theroux, Pinkava & Keil
- Perityle ajoensis* Todson–Ajo rock daisy
- Perityle cochisensis* (Niles) Powell–Chiricahua rock daisy
- Senecio quaerens* Greene–Gila groundsel
- BURSERACEAE Torch-Wood Family
- Bursera microphylla* Gray–Elephant tree, torote
- CACTACEAE Cactus Family
- Carnegiea gigantea* (Engelm.) Britt. & Rose–Saguaro
Syn.: *Cereus giganteus* Engelm.
- Coryphantha missouriensis* (Sweet) Britt. & Rose
- Coryphantha missouriensis* (Sweet) Britt. & Rose var. *marstonii* (Clover) L. Benson
- Coryphantha scheeri* (Kuntze) L. Benson var. *valida* (Engelm.) L. Benson
- Coryphantha strobiliformis* (Poselger) var. *orcuttii* (Rose) L. Benson
- Coryphantha strobiliformis* (Poselger) var. *strobiliformis*
- Coryphantha vivipara* (Nutt.) Britt. & Rose var. *alversonii* (Coul.) L. Benson
- Coryphantha vivipara* (Nutt.) Britt. & Rose var. *arizonica* (Engelm.) W. T. Marshall
Syn.: *Mammillaria arizonica* Engelm.
- Coryphantha vivipara* (Nutt.) Britt. & Rose var. *bisbeeana* (Orcutt) L. Benson
- Coryphantha vivipara* (Nutt.) Britt. & Rose var. *deserti* (Engelm.) W. T. Marshall
Syn.: *Mammillaria chlorantha* Engelm.
- Coryphantha vivipara* (Nutt.) Britt. & Rose var. *rosea* (Clokey) L. Benson
- Echinocactus polycephalus* Engelm. & Bigel. var. *polycephalus*
- Echinocactus polycephalus* Engelm. & Bigel. var. *xeranthemoides* Engelm. ex Coul.
- Syn.: *Echinocactus xeranthemoides* Engelm. ex Coul.
- Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *acicularis* L. Benson
- Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *armatus* L. Benson
- Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *chrysocentrus* L. Benson
- Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *engelmannii*
- Echinocereus engelmannii* (Parry) Lemaire var. *variegatus* (Engelm.) Engelm. ex Rümpler
- Echinocereus fasciculatus* (Engelm. ex B. D. Jackson) L. Benson var. *fasciculatus*
Syn.: *Echinocereus fendleri* (Engelm.) Rümpler var. *fasciculatus* (Engelm. ex B. D. Jackson) N. P. Taylor, *Echinocereus fendleri* (Engelm.) Rümpler var. *robusta* L. Benson; *Mammillaria fasciculata* Engelm.
- Echinocereus fasciculatus* (Engelm. ex B. D. Jackson) L. Benson var. *bonkerae* (Thornber & Bonker) L. Benson.
Syn.: *Echinocereus boyce-thompsonii* Orcutt var. *bonkerae* Peebles; *Echinocereus fendleri* (Engelm.) Rümpler var. *bonkerae* (Thornber & Bonker) L. Benson
- Echinocereus fasciculatus* (Engelm. ex B. D. Jackson) L. Benson var. *boyce-thompsonii* (Orcutt) L. Benson
Syn.: *Echinocereus boyce-thompsonii* Orcutt
- Echinocereus fendleri* (Engelm.) Rümpler var. *boyce-thompsonii* (Orcutt) L. Benson
- Echinocereus fendleri* (Engelm.) Rümpler var. *fendleri*
- Echinocereus fendleri* (Engelm.) Rümpler var. *rectispinus* (Peebles) L. Benson
- Echinocereus ledingii* Peebles
- Echinocereus nicholii* (L. Benson) Parfitt.
Syn.: *Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *nicholii* L. Benson
- Echinocereus pectinatus* (Scheidw.) Engelm. var. *dasyacanthus* (Engelm.) N. P. Taylor
Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *neomexicanus* (Coul.) L. Benson
- Echinocereus polyacanthus* Engelm. (1848) var. *polyacanthus*
- Echinocereus pseudopectinatus* (N. P. Taylor) N. P. Taylor
Syn.: *Echinocereus bristolii* W. T. Marshall var. *pseudopectinatus* N. P. Taylor, *Echinocereus pectinatus* (Scheidw.) Engelm. var. *pectinatus sensu* Kearney and Peebles, Arizona Flora, and L. Benson,

The Cacti of Arizona and The Cacti of the United States and Canada.

Echinocereus rigidissimus (Engelm.) Hort. F. A. Haage.

Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *rigidissimus* (Engelm.) Engelm. ex Rümpler–Rainbow cactus

Echinocereus triglochidiatus Engelm. var. *gonacanthus* (Engelm. & Bigel.) Boiss.

Echinocereus triglochidiatus Engelm. var. *melanacanthus* (Engelm.) L. Benson

Syn.: *Mammillaria aggregata* Engelm.

Echinocereus triglochidiatus Engelm. var. *mojavensis* (Engelm.) L. Benson

Echinocereus triglochidiatus Engelm. var. *neomexicanus* (Standl.) Standl. ex W. T. Marshall.

Syn.: *Echinocereus triglochidiatus* Engelm. var. *polyacanthus* (Engelm. 1859 non 1848) L. Benson

Echinocereus triglochidiatus Engelm. var. *triglochidiatus*

Echinomastus erectocentrus (Coult.) Britt. & Rose var. *erectocentrus*

Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *erectocentra*

Echinomastus intertextus (Engelm.) Britt. & Rose

Syn.: *Neolloydia intertexta* (Engelm.) L. Benson

Echinomastus johnsonii (Parry) Baxter–Beehive cactus

Syn.: *Neolloydia johnsonii* (Parry) L. Benson

Epithelantha micromeris (Engelm.) Weber ex Britt. & Rose

Ferocactus cylindraceus (Engelm.) Orcutt var. *cylindraceus*–Barrel cactus

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *acanthodes*

Ferocactus cylindraceus (Engelm.) Orcutt var. *eastwoodiae* (Engelm.) N. P. Taylor

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *eastwoodiae* L. Benson; *Ferocactus eastwoodiae* (L. Benson) L. Benson

Ferocactus cylindraceus (Engelm.) Orcutt. var. *lecontei* (Engelm.) H. Bravo

Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *lecontei* (Engelm.) Lindsay; *Ferocactus lecontei* (Engelm.) Britt. & Rose

Ferocactus emoryi (Engelm.) Orcutt–Barrel cactus

Syn.: *Ferocactus covillei* Britt. & Rose

Ferocactus wislizenii (Engelm.) Britt. & Rose–Barrel cactus

Lophocereus schottii (Engelm.) Britt. & Rose–Senita

Mammillaria grahamii Engelm. var. *grahamii*

Mammillaria grahamii Engelm. var. *oliviae* (Orcutt) L. Benson

Syn.: *Mammillaria oliviae* Orcutt

Mammillaria heyderi Mühlenpf. var. *heyderi*

Syn.: *Mammillaria gummifera* Engelm. var. *applanata* (Engelm.) L. Benson

Mammillaria heyderi Mühlenpf. var. *macdougalii* (Rose) L. Benson

Syn.: *Mammillaria gummifera* Engelm. var. *macdougalii* (Rose) L. Benson; *Mammillaria macdougalii* Rose

Mammillaria heyderi Mühlenpf. var. *meiacantha* (Engelm.) L. Benson

Syn.: *Mammillaria gummifera* Engelm. var. *meiacantha* (Engelm.) L. Benson

Mammillaria lasiacantha Engelm.

Mammillaria mainiae K. Brand.

Mammillaria microcarpa Engelm.

Mammillaria tetrancistra Engelm.

Mammillaria thornberi Orcutt

Mammillaria viridiflora (Britt. & Rose) Bödeker.

Syn.: *Mammillaria oestra* L. Benson

Mammillaria wrightii Engelm. var. *wilcoxii* (Toumey ex K. Schumann) W. T. Marshall

Syn.: *Mammillaria wilcoxii* Toumey

Mammillaria wrightii Engelm. var. *wrightii*

Opuntia acanthocarpa Engelm. & Bigel. var. *acanthocarpa*–Buckhorn cholla

Opuntia acanthocarpa Engelm. & Bigel. var. *coloradensis* L. Benson

Opuntia acanthocarpa Engelm. & Bigel. var. *major* L. Benson

Syn.: *Opuntia acanthocarpa* Engelm. & Bigel. var. *ramosa* Peebles

Opuntia acanthocarpa Engelm. & Bigel. var. *thornberi* (Thornber & Bonker) L. Benson

Syn.: *Opuntia thornberi* Thornber & Bonker

Opuntia arbuscula Engelm.–Pencil cholla

Opuntia basilaris Engelm. & Bigel. var. *aurea* (Baxter) W. T. Marshall–Yellow beavertail

Syn.: *Opuntia aurea* Baxter

Opuntia basilaris Engelm. & Bigel. var. *basilaris*–Beavertail cactus

Opuntia basilaris Engelm. & Bigel. var. *longiareolata* (Clover & Jotter) L. Benson

Opuntia basilaris Engelm. & Bigel. var. *treleasei* (Coult.) Toumey

Opuntia bigelovii Engelm.–Teddy-bear cholla

Opuntia campii ined.

Opuntia canada Griffiths (*O. phaeacantha* Engelm. var. *laevis* X *major* and *O. gilvescens* Griffiths).

Opuntia chlorotica Engelm. & Bigel.–Pancake prickly-pear

Opuntia clavata Engelm.–Club cholla

Opuntia curvospina Griffiths

Opuntia echinocarpa Engelm. & Bigel.–Silver cholla

Opuntia emoryi Engelm.–Devil cholla

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *stanlyi*

Opuntia engelmannii Salm-Dyck ex Engelm. var. *engelmannii*–Engelmann’s prickly-pear

Syn.: *Opuntia phaeacantha* Engelm. var. *discata* (Griffiths) Benson & Walkington

Opuntia engelmannii Salm-Dyck ex Engelm. var. *flavospina* (L. Benson) Parfitt & Pinkava

Syn.: *Opuntia phaeacantha* Engelm. var. *flavispina* L. Benson

Opuntia erinacea Engelm. & Bigel. var. *erinacea*—Mohave prickly-pear

Opuntia erinacea Engelm. & Bigel. var. *hystricina* (Engelm. & Bigel.) L. Benson

Syn.: *Opuntia hystricina* Engelm. & Bigel.

Opuntia erinacea Engelm. & Bigel. var. *ursina* (Weber) Parish—Grizzly bear prickly-pear

Syn.: *Opuntia ursina* Weber

Opuntia erinacea Engelm. & Bigel. var. *utahensis* (Engelm.) L. Benson

Syn.: *Opuntia rhodantha* Schum.

Opuntia fragilis Nutt. var. *brachyarthra* (Engelm. & Bigel.) Coult.

Opuntia fragilis Nutt. var. *fragilis*—Little prickly-pear

Opuntia fulgida Engelm. var. *fulgida*—Jumping chain-fruit cholla

Opuntia fulgida Engelm. var. *mammillata* (Schott) Coult.

Opuntia imbricata (Haw.) DC.—Tree cholla

Opuntia X kelvinensis V. & K. Grant pro sp.

Syn.: *Opuntia kelvinensis* V. & K. Grant

Opuntia kleiniae DC. var. *tetracantha* (Toumey) W. T. Marshall

Syn.: *Opuntia tetrancistra* Toumey

Opuntia kunzei Rose.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *kunzei* (Rose) L. Benson; *Opuntia kunzei* Rose var. *wrightiana* (E. M. Baxter) Peebles; *Opuntia wrightiana* E. M. Baxter

Opuntia leptocaulis DC.—Desert Christmas cactus, Pencil cholla

Opuntia littoralis (Engelm.) Cockl. var. *vaseyi* (Coult.) Benson & Walkington

Opuntia macrocentra Engelm.—Purple prickly-pear

Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *macrocentra* (Engelm.) L. Benson; *Opuntia violacea* Engelm. ex B. D. Jackson var. *violacea*

Opuntia macrorhiza Engelm. var. *macrorhiza*—Plains prickly-pear

Syn.: *Opuntia plumbea* Rose

Opuntia macrorhiza Engelm. var. *pottsii* (Salm-Dyck) L. Benson

Opuntia martiniana (L. Benson) Parfitt

Syn.: *Opuntia littoralis* (Engelm.) Cockerell var. *martiniana* (L. Benson) L. Benson; *Opuntia macrocentra* Engelm. var. *martiniana* L. Benson

Opuntia nicholii L. Benson—Navajo Bridge prickly-pear

Opuntia parishii Orcutt.

Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *parishii* (Orcutt) L. Benson

Opuntia phaeacantha Engelm. var. *laevis* (Coult.) L. Benson

Syn.: *Opuntia laevis* Coult.

Opuntia phaeacantha Engelm. var. *major* Engelm.

Opuntia phaeacantha Engelm. var. *phaeacantha*

Opuntia phaeacantha Engelm. var. *superbospina* (Griffiths) L. Benson

Opuntia polyacantha Haw. var. *juniperina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *rufispina* (Engelm.) L. Benson

Opuntia polyacantha Haw. var. *trichophora* (Engelm. & Bigel.) L. Benson

Opuntia pulchella Engelm.—Sand cholla

Opuntia ramosissima Engelm.—Diamond cholla

Opuntia santa-rita (Griffiths & Hare) Rose—Santa Rita prickly-pear

Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *santa-rita* (Griffiths & Hare) L. Benson

Opuntia spinosior (Engelm.) Toumey—Cane cholla

Opuntia versicolor Engelm.—Staghorn cholla

Opuntia vivipara Engelm

Opuntia whipplei Engelm. & Bigel. var. *multigeniculata* (Clokey) L. Benson

Opuntia whipplei Engelm. & Bigel. var. *whipplei*—Whipple cholla

Opuntia wigginsii L. Benson

Pediocactus papyracanthus (Engelm.) L. Benson
Grama grass cactus

Syn.: *Toumeyia papyracanthus* (Engelm.) Britt. & Rose

Pediocactus simpsonii (Engelm.) Britt & Rose var. *simpsonii*

Peniocereus greggii (Engelm.) Britt. & Rose var. *greggii*—Night-blooming cereus

Syn.: *Cereus greggii* Engelm.

Peniocereus greggii (Engelm.) Britt & Rose var. *transmontanus*—Queen-of-the-Night

Peniocereus striatus (Brandegee) Buxbaum.

Syn.: *Neoevansia striata* (Brandegee) Sanchez-Mejorada; *Cereus striatus* Brandegee; *Wilcoxia diguetii* (Webber) Peebles

Sclerocactus parviflorus Clover & Jotter var. *intermedius* (Peebles) Woodruff & L. Benson

Syn.: *Sclerocactus intermedius* Peebles

Sclerocactus parviflorus Clover & Jotter var. *parviflorus*

Syn.: *Sclerocactus whipplei* (Engelm. & Bigel.) Britt. & Rose var. *roseus* (Clover) L. Benson

Sclerocactus pubispinus (Engelm.) L. Peebles

Sclerocactus spinosior (Engelm.) Woodruff & L. Benson

Syn.: *Sclerocactus pubispinus* (Engelm.) L. Benson var. *sileri* L. Benson

Sclerocactus whipplei (Engelm. & Bigel.) Britt. & Rose

Stenocereus thurberi (Engelm.) F. Buxbaum—Organ pipe cactus

Syn.: *Cereus thurberi* Engelm.; *Lemaireocereus thurberi* (Engelm.) Britt. & Rose

CAMPANULACEAE Bellflower Family

Lobelia cardinalis L. ssp. *graminea* (Lam.) McVaugh—Cardinal flower

- Lobelia fenestralis* Cav.—Leafy lobelia
Lobelia laxiflora H. B. K. var. *angustifolia* A. DC.
- CAPPARACEAE Cappar Family [=Capparidaceae]
Cleome multicaulis DC.—Playa spiderflower
- CHENOPODIACEAE Goosefoot Family
Atriplex hymenelytra (Torr.) Wats.
- CRASSULACEAE Stonecrop Family
Dudleya arizonica (Nutt.) Britt. & Rose
 Syn.: *Echeveria pulverulenta* Nutt. ssp. *arizonica* (Rose) Clokey
Dudleya saxosa (M.E. Jones) Britt. & Rose ssp. *col-lomiae* (Rose) Moran
 Syn.: *Echeveria collomiae* (Rose) Kearney & Peebles
Graptopetalum bartramii Rose
 Syn.: *Echeveria bartramii* (Rose) K. & P.
Graptopetalum bartramii Rose—Bartram's stonecrop, Bartram's live-forever
 Syn.: *Echeveria bartramii* (Rose) Kearney & Peebles
Graptopetalum rusbyi (Greene) Rose
 Syn.: *Echeveria rusbyi* (Greene) Nels. & Macbr.
Sedum cockerellii Britt.
Sedum griffithsii Rose
Sedum lanceolatum Torr.
 Syn.: *Sedum stenopetalum* Pursh
Sedum rhodanthum Gray
Sedum stelliforme Wats.
- CROSSOSOMATAACEAE Crossosoma Family
Apacheria chiricahuensis C. T. Mason—Chiricahua rock flower
- CUCURBITACEAE Gourd Family
Tumamoca macdougalii Rose—Tumamoc globeberry
- EUPHORBIACEAE Spurge Family
Euphorbia plummerae Wats.—Woodland spurge
Sapium biloculare (Wats.) Pax—Mexican jumping-bean
- FABACEAE Pea Family [=Leguminosae]
Astragalus corbrensis Gray var. *maguirei* Kearney
Astragalus cremnophyllax Barneby var. *myriorraphis* Barneby—Cliff milk-vetch
Astragalus hypoxylus Wats.—Huachuca milk-vetch
Astragalus nutriosensis Sanderson—Nutrioso milk-vetch
Astragalus xiphoides (Barneby) Barneby—Gladiator milk-vetch
Cercis occidentalis Torr.—California redbud
Errazurizia rotundata (Woot.) Barneby
 Syn.: *Parryella rotundata* Woot.
Lysiloma microphylla Benth. var. *thornberi* (Britt. & Rose) Isely—Feather bush
 Syn.: *Lysiloma thornberi* Britt. & Rose
Parkinsonia aculeata L.—Jerusalem Thorn
Phaseolus supinus Wiggins & Rollins
- FOUQUIERACEAE Ocotillo Family
Fouquieria splendens Engelm.—Ocotillo, coach-whip, monkey-tail
- GENTIANACEAE Gentian Family
Gentianella wislizenii (Engelm.) J. Gillett
 Syn.: *Gentiana wislizenii* Engelm.
- LAMIACEAE Mint Family
Hedeoma diffusum Green—Flagstaff pennyroyal
Salvia dorrii ssp. *mearnsii*
Trichostema micranthum Gray
- LILIACEAE Lily Family
Allium acuminatum Hook.
Allium bigelovii Wats.
Allium biseptum Wats. var. *palmeri* (Wats.) Cronq.
 Syn.: *Allium palmeri* Wats.
Allium cernuum Roth. var. *neomexicanum* (Rydb.) Macbr.—Nodding onion
Allium cernuum Roth. var. *obtusum* Ckll.
Allium geyeri Wats. var. *geyeri*
Allium geyeri Wats. var. *tenerum* Jones
Allium kunthii Don
Allium macropetalum Rydb.
Allium nevadense Wats. var. *cristatum* (Wats.) Ownbey
Allium nevadense Wats. var. *nevadense*
Allium parishii Wats.
Allium plummerae Wats.
Allium rhizomatum Woot. & Standl. Incl.: *Allium glandulosum* Link & Otto *sensu* Kearney & Peebles
Androstephium breviflorum Wats.—Funnel-lily
Calochortus ambiguus (Jones) Ownbey
Calochortus aureus Wats.
 Syn.: *Calochortus nuttallii* Torr. & Gray var. *aureus* (Wats.) Ownbey
Calochortus flexuosus Wats.—Straggling mariposa
Calochortus gunnisonii Wats.
Calochortus kennedyi Porter var. *kennedyi*—Desert mariposa
Calochortus kennedyi Porter var. *munzii* Jeps.
Dichelostemma pulchellum (Salisbi) Heller var. *pauciflorum* (Torr.) Hoover
Disporum trachycarpum (Wats.) Benth. & Hook. var. *subglabrum* Kelso
Disporum trachycarpum (Wats.) Benth. & Hook. var. *trachycarpum*
Echeandia flavescens (Schultes & Schultes) Cruden
 Syn.: *Anthericum torreyi* Baker
Eremocrinum albomarginatum Jones
Fritillaria atropurpurea Nutt.
Hesperocallis undulata Gray—Ajo lily
Lilium parryi Wats.—Lemon lily
Lilium umbellatum Pursh
Maianthemum racemosum (L.) Link. ssp. *amplexicaule* (Nutt.) LaFrankie
 Syn.: *Smilacina racemosa* (L.) Desf. var. *amplexicaulis* (Nutt.) Wats.

Maianthemum racemosum (L.) Link ssp. *racemosum*—False Solomon's seal

Syn.: *Smilacina racemosa* (L.) Desf. var. *racemosa*; *Smilacina racemosa* (L.) Desf. var. *cylindrata* Fern.

Maianthemum stellatum (L.) Link

Syn.: *Smilacina stellata* (L.) Desf.—Starflower

Milla biflora Cav.—Mexican star

Nothoscordum texanum Jones

Polygonatum cobrense (Woot. & Standl.) Gates

Streptopus amplexifolius (L.) DC.—Twisted stalk

Triteleia lemmonae (Wats.) Greene

Triteleiopsis palmeri (Wats.) Hoover

Veratrum californicum Durand.—False hellebore

Zephyranthes longifolia Hemsl.—Plains rain lily

Zigadenus elegans Pursh—White camas, alkali-grass

Zigadenus paniculatus (Nutt.) Wats.—Sand-corn

Zigadenus virescens (H. B. K.) Macbr.

MALVACEAE Mallow Family

Abutilon parishii Wats.—Tucson Indian mallow

Abutilon thurberi Gray—Baboquivari Indian mallow

ONAGRACEAE Evening Primrose Family

Camissonia exilis (Raven) Raven

ORCHIDACEAE Orchid Family

Calypso bulbosa (L.) Oakes var. *americana* (R. Br.) Luer

Coeloglossum viride (L.) Hartmann var. *virescens* (Muhl.) Luer

Syn.: *Habenaria viridis* (L.) R. Br. var. *bracteata* (Muhl.) Gray

Corallorhiza maculata Raf.—Spotted coral root

Corallorhiza striata Lindl.—Striped coral root

Corallorhiza wisteriana Conrad—Spring coral root

Epipactis gigantea Douglas ex Hook.—Giant helleborine

Goodyera oblongifolia Raf.

Goodyera repens (L.) R. Br.

Hexalectris spicata (Walt.) Barnhart—Crested coral root

Listera convallarioides (Swartz) Nutt.—Broad-leaved twayblade

Malaxis corymbosa (S. Wats.) Kuntze

Malaxis ehrenbergii (Reichb. f.) Kuntze

Malaxis macrostachya (Lexarza) Kuntze—Mountain malaxia

Syn.: *Malaxis soulei* L. O. Williams

Malaxis tenuis (S. Wats.) Ames

Platanthera hyperborea (L.) Lindley var. *gracilis* (Lindley) Luer

Syn.: *Habenaria sparsiflora* Wats. var. *laxiflora* (Rydb.) Correll

Platanthera hyperborea (L.) Lindley var. *hyperborea*—Northern green orchid

Syn.: *Habenaria hyperborea* (L.) R. Br.

Platanthera limosa Lindl.—Thurber's bog orchid

Syn.: *Habenaria limosa* (Lindley) Hemsley

Platanthera sparsiflora (Wats.) Schlechter var. *ensifolia* (Rydb.) Luer

Platanthera sparsiflora (Wats.) var. *laxiflora* (Rydb.) Correll

Platanthera sparsiflora (Wats.) Schlechter var. *sparsiflora*—Sparsely-flowered bog orchid

Syn.: *Habenaria sparsiflora* Wats.

Platanthera stricta Lindl.—Slender bog orchid

Syn.: *Habenaria saccata* Greene; *Platanthera saccata* (Greene) Hulten

Platanthera viridis (L.) R. Br. var. *bracteata* (Muhl.) Gray—Long-bracted habenaria

Spiranthes michauxiana (La Llave & Lex.) Hemsl.

Spiranthes parasitica A. Rich. & Gal.

Spiranthes romanzoffiana Cham.—Hooded ladies tresses

PAPAVERACEAE Poppy Family

Arctomecon californica Torr. & Frém.—Golden-bear poppy, Yellow-flowered desert poppy

PINACEAE Pine Family

Pinus aristata Engelm.—Bristlecone pine

POLYGONACEAE Buckwheat Family

Eriogonum apachense Reveal

Eriogonum capillare Small

Eriogonum mortonianum Reveal—Morton's buckwheat

Eriogonum ripleyi J. T. Howell—Ripley's wild buckwheat, Frazier's Well buckwheat

Eriogonum thompsonae Wats. var. *atwoodii* Reveal—Atwood's buckwheat

PORTULACEAE Purslane Family

Talinum humile Greene—Pinos Altos flame flower

Talinum marginatum Greene

Talinum validulum Greene—Tusayan flame flower

PRIMULACEAE Primrose Family

Dodecatheon alpinum (Gray) Greene ssp. *majus* H. J. Thompson

Dodecatheon dentatum Hook. ssp. *ellisiae* (Standl.) H. J. Thompson

Dodecatheon pulchellum (Raf.) Merrill

Primula humnewellii Fern.

Primula rusbyi Greene

Primula specuicola Rydb.

RANUNCULACEAE Buttercup Family

Aquilegia caerulea James ssp. *pinetorum* (Tidest.) Payson—Rocky Mountain Columbine

Aquilegia chrysantha Gray

Aquilegia desertorum (Jones) Ckll.—Desert columbine, Mogollon columbine

Aquilegia elegantula Greene

Aquilegia longissima Gray—Long Spur Columbine

Aquilegia micrantha Eastw.

Aquilegia triternata Payson

ROSACEAE Rose Family

Rosa stellata Woot.-ssp. *abyssa* A. Phillips Grand Canyon rose
Vauquelinia californica (Torr.) Sarg. ssp. *pauciflora* (Standl.) Hess & Henrickson—Few-flowered Arizona rosewood

SCROPHULARIACEAE Figwort Family

Castilleja mogollonica Pennell
Penstemon albomarginatus Jones
Penstemon bicolor (Brandeg.) Clokey & Keck ssp. *roseus* Clokey & Keck
Penstemon clutei A. Nels.
Penstemon distans N. Holmgren—Mt. Trumbull beardtongue
Penstemon linarioides spp. *maguirei*

SIMAROUBACEAE Simarouba Family

Castela emoryi (Gray) Moran & Felger—Crucifixion thorn
 Syn.: *Holacantha emoryi* Gray

STERCULIACEAE Cacao Family

Fremontodendron californicum (Torr.) Coville—Flannel bush

- C. Salvage Assessed Protected Native Plants. The following list includes those species of native plants that are not included in either the highly safeguarded or salvage restricted category but have a sufficient value if salvaged to support the cost of salvage.

BIGNONIACEAE Bignonia Family

Chilopsis linearis (Cav.) Sweet var. *arcuata* Fosberg—Desert-willow
Chilopsis linearis (Cav.) Sweet var. *glutinosa* (Engelm.) Fosberg

FABACEAE Pea Family [=Leguminosae]

Cercidium floridum Benth.—Blue palo verde
Cercidium microphyllum (Torr.) Rose & Johnst.—Foothill palo verde
Olneya tesota Gray—Desert ironwood
Prosopis glandulosa Torr. var. *glandulosa*—Honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.
Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.—Western honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson
Prosopis pubescens Benth.—Screwbean mesquite
Prosopis velutina Woot.—Velvet mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.
Psoralea spinosa (Gray) Barneby—Smoke tree.
 Syn.: *Dalea spinosa* Gray

- D. Harvest Restricted Protected Native Plants. The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of their intrinsic value.

AGAVACEAE Agave Family

Nolina bigelovii (Torr.) Wats.—Bigelow's nolina
Nolina microcarpa Wats.—Beargrass, sacahuista

Nolina parryi Wats.—Parry's nolina
Nolina texana Wats. var. *compacta* (Trel.) Johnst.—Bunchgrass
Yucca baccata Torr. var. *baccata*—Banana yucca
Yucca schidigera Roezl.—Mohave yucca, Spanish dagger

FABACEAE Pea Family [=Leguminosae]

Olneya tesota Gray—Desert ironwood
Prosopis glandulosa Torr. var. *glandulosa*—Honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.
Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.—Western honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson
Prosopis pubescens Benth.—Screwbean mesquite
Prosopis velutina Woot.—Velvet mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.

Historical Note

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633, Appendix A renumbered from R3-1-633, Appendix A (Supp. 91-4). Appendix A repealed, New Appendix A adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3).

ARTICLE 7. FRUITS AND VEGETABLES STANDARDIZATION

R3-4-701. Apple Standards

A. Definitions.

1. "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.
2. "Clean" means that the apples are free from dirt, dust, spray residue, and other foreign material which affects the edible or shipping quality.
3. "Diameter". When measuring for minimum size, "diameter" means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, "diameter" means the smallest dimension of the apple determined by passing the apple through a round opening in any position.
4. "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples, shall be not more than 3/4 inch below the top edge of the carton.
5. "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties, and not less than 40 pounds for all other varieties.
6. "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts from its appearance.
7. "Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe, it will show varying degrees of firmness,

depending upon the stage of the ripening process, as described by the following terms:

- a. "Hard" means apples with a tenacious flesh and starchy flavor.
 - b. "Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.
 - c. "Firm ripe" means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.
 - d. "Ripe" means apples with mealy flesh and soon to become soft for the variety.
8. "Overripe" means apples which are dead ripe, with flesh very mealy or soft and past commercial utility.
 9. "Serious damage" means any one of the following defects or an equally objectionable variation or combination of these defects:
 - a. Smooth solid russetting, when more than 1/2 of the surface in the aggregate area is covered including any russetting in the stem cavity or calyx basin; slightly rough, or excessively rough or bark-like russetting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russetting permitted; provided that any amount of russetting shall be permitted on Roxbury Russet and other similar varieties;
 - b. Sunburn or sprayburn which detracts from the appearance of the fruit;
 - c. Limb rubs which affect more than 1/10 of the surface in the aggregate area;
 - d. Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit or if such defects affect more than 1/10 of the surface in the aggregate; provided that no hail marks which are unhealed shall be permitted and not more than an aggregate area of 1/2 inch shall be allowed for well-healed hail marks where the skin has been broken;
 - e. Stem or calyx cracks which are not well healed, or well-healed stem or calyx cracks which exceed an aggregate length of 1/2 inch;
 - f. Visible water core which affects an area of more than 1/2 inch in diameter;
 - g. Disease:
 - i. Scab spots which affect a total area of more than 3/4 inch in diameter;
 - ii. Cedar rust infection which affects a total area of more than 3/4 inch in diameter;
 - iii. Sooty blotch or fly speck which affects more than 1/3 of the surface;
 - iv. Red skin spots which affect more than 1/3 of the surface;
 - v. Bitter pit or Jonathan spot which is thinly scattered over more than 1/10 of the surface and does not materially deform or disfigure the fruit.
 - h. Insects:
 - i. Healed stings which affect a total area of more than 1/4 inch in diameter including any encircling discolored rings;
 - ii. Worm holes.
 10. "Seriously deformed" means that the apple is badly misshapen.
- B.** Pursuant to A.R.S. § 3-487(B)(1), the following standards, which are equivalent to U.S. No. 1 Grade, shall apply to all apples produced in the state.
1. U.S. No. 1 consists of apples of one variety which are mature but not overripe, carefully handpicked, clean, fairly well formed, free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald freezing injury, visible water core, and broken skins and bruises, except those which are incident to proper handling and packing.
 - a. Apples of this grade are free from serious damage caused by russetting.
 - b. Not more than 25% of the aggregate area of a U.S. No. 1 grade apple shall be covered by smooth net-like russetting.
 - c. Not more than 10% of the aggregate area of an apple shall be covered by smooth solid russetting; and in the case of the Yellow Newtown or similar varieties not more than 20% of the aggregate area of an apple shall be covered with smooth solid russetting.
 - d. Each U.S. No. 1 apple shall have the amount of color specified in subsection (C).
 - e. U.S. No. 1 grade has no requirement pertaining to invisible water core.
 2. U.S. No. 1 Early consists of apples which meet the requirements of U.S. No. 1 grade, except as to color and maturity, and meet a minimum size requirement. Apples of this grade have no color requirements, need not be mature, and are not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent and Lodi, or other varieties which are normally marketed during the summer months.
 3. U.S. No. 1 Hail consists of apples which meet the requirements of U.S. No. 1 grade, except that hail marks where the skin has not been broken and well-healed hail marks where the skin has been broken are permitted, provided the apples are fairly well formed.
- C.** The following standards shall be considered as U.S. Condition Standards for Export and shall be applied to domestic shipments of apples as well as export lots:
1. Not more than 5% of the apples in any lot shall be further advanced in maturity than firm ripe.
 2. Not more than 5% of the apples in any lot shall be damaged by storage scab.
 3. Not more than a total of 5% of the apples in any lot shall be affected by scald, internal breakdown, freezing injury, decay, damage by water core, bitter pit, Jonathan spot, or other condition factors and not more than 2% shall be allowed for apples affected by decay, soft scald, slight scald or internal breakdown.
 4. Container packs shall comply with the packing requirements, as specified in subsection (J), and which are equivalent to the United States Standards for Grades of Apples.
 5. Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified in this Section. No package in any lot shall have more than double the percentages specified, except for packages which contain ten pounds or less. Individual packages in any lot may have not more than three times the tolerance or one apple (whichever is the greater amount).
- D.** Color Requirements. All apples shall have the percentage of color specified for the variety listed in Table 1.
1. For the solid red varieties, the percentage stated refers to the area of the surface which is covered with a good shade of solid red characteristic of the variety; provided that the apple having color of a lighter shade of solid red

- or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade.
2. For the striped-red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with minimum percentage of stripes of a good red characteristic of the variety required for the grade.
 3. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.
- E.** Color standards USDA Visual Aid APL-L-1 (including plates A, B, C, D, E, and F) consist of a folder containing the color requirements for apples, as set forth in this subsection; five plates illustrating minimum good shade of solid red or striped red color, minimum compensating color and a shade not considered color, for Red Delicious, Winesap, Delicious, McIntosh, and Jonathan varieties; and one plate illustrating minimum white or light green color and characteristic color for the Golden Delicious variety. The color standard plates A, B, C, D, E, and F as set forth in U.S. Standards for Grades of Apples, 51.300 to 51.323, amended July 25, 1972, are incorporated herein by reference and do not include any later amendments or editions of the incorporated matter. The color standards are on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D. C., 20250.

TABLE 1 - COLOR REQUIREMENTS FOR SPECIFIED
U.S. GRADES OF APPLES BY VARIETY

VARIETY	U.S. EXTRA FANCY Percent	U.S FANCY Percent	U.S. NO. 1 Percent
Solid Red:			
Other Similar Varieties (1)	66	40	25
Red Sport Varieties (2)	66	40	25
Striped or partially red:			
Jonathan	66	33	25
McIntosh	50	33	25
Rome Beauty	50	33	15
Delicious	50	25	15
Red cheeked or blushed:			
Fuji	(7)	(8)	(8)
Gala	(7)	(8)	(8)
Other similar varieties	(7)	(8)	(8)
Green varieties	(9)	(9)	(9)
Yellow varieties	(9)	(9)	(9)
Golden Delicious	(10)	(10)	(9)

(1) Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.

(2) When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties.

F. Tolerance Requirements. U.S. No. 1 Grades shall meet the following tolerances:

1. Not more than 5% of the apples in any lot shall be seriously damaged, including not more than 1% affected by decay or internal breakdown. Not more than 10% of the apples in any lot may fail to meet the total requirements prescribed in this Section.
2. When size is designated by the numerical count for a container, not more than 5% of the apples in the lot may vary more than 1/4 inch in diameter.
3. When size is designated by minimum or maximum diameter, not more than 5% of the apples in any lot may be smaller than the designated minimum and not more than 10% may be larger than the designated maximum

G. Tolerance Applications. The contents of individual packages in the lot are subject to the following limitations, provided that the averages for the entire lot are within the tolerances specified for the grade:

1. Packages containing more than ten pounds shall have not more than 1 1/2 times a specified tolerance specified for the grade. Not more than double a tolerance for apples affected by decay, as set forth in paragraph (E)(1), shall be permitted; except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.
2. Not more than 10% of packages containing ten pounds or less may have more than three times the tolerance specified for the grade, except that at least one defective apple may be permitted in any package: Provided that not more than one apple or more than 6% (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

H. Percentages shall be calculated on the basis of count when the numerical count is marked on the container. When the minimum diameter, or minimum and maximum diameters, is marked on a container, or when the apples are jumbled in a container or in bulk, percentages shall be calculated on the basis of weight or an equivalent basis.

- I.** Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting the condition and not the grade.
- J.** Packing Requirements.
1. Apples which are tray packed, or cell packed in cartons, shall be at least fairly tight or fairly well filled.
 2. Closed cartons containing apples, not tray or cell packed, shall be fairly well filled or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.
 3. Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.
 4. Apples on the shown face of any container shall be representative in size, color, and quality of the contents.
 5. In order to allow for variations incident to proper packing, not more than 10% of the containers in any lot may fail to meet the requirements in this subsection.
- K.** Marking Requirements. The numerical count, or the minimum diameter of the apples packed in a closed container, shall be indicated on the container and the following shall apply:
1. When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches; or whole inches and not less than 1/8-inch fractions thereof.
 2. The word "minimum" or its abbreviation when following a diameter size marking, means that the apples are of the size marked or larger.
- L.** The following controlled atmosphere standards shall apply only to rooms or storage buildings containing apples:
1. Any person owning or operating a controlled atmosphere room or storage building, or packers or repackers of apples coming under the provisions of this Section, shall register with the Director and shall provide the following information on a form furnished by the Department:
 - a. The name, company name, address, and telephone number of the applicant;
 - b. The name of each member, or partner, if operating as a partnership or firm;
 - c. The name of each officer if operating as a corporation or association;
 - d. The location of the controlled atmosphere storage facilities;
 - e. The number of rooms available for storage;
 - f. The total capacity, in bushels;
 - g. The types of fruit provided for.
 2. The registration period is from July 1 to June 30.
 3. Each owner or operator of such a room or storage building shall register with the Department on or before July 1 of each year.
 4. The Director shall assign each approved registrant a registration number preceded by the letters CA. This number shall be marked on all containers coming under the provisions of this Section and shall be in accordance with all provisions pertaining to markings, as set forth in R3-4-737.
 5. Each owner or operator shall make the required air constituents determination on a daily basis. Within 20 days after the date of sealing, the percent of oxygen shall be reduced to a maximum of 5%.
 6. Each owner or operator shall maintain a record for each room and provide the following information on a form furnished by the Department:
 - a. The owner or operator's name, address, and room number;
 - b. The date of sealing and the date of opening;
 - c. The room capacity in bushels;
 - d. The lot identification and number of bushels within each lot;
 - e. The daily air constituents determination recordings showing date of test, time of test, percentage of carbon dioxide, percentage of carbon dioxide and oxygen, percentage of oxygen, temperature, and comments.
 7. Under provisions of this Section, any person selling, offering or transporting apples for sale within the state, shall furnish the following information on an invoice covering the sale of such apples:
 - a. The CA registration number, as prescribed in paragraph (4), assigned to the owner or owners of the controlled-atmosphere room or storage building in which each lot or lots of apples was kept.
 - b. The CA registration number, as prescribed in paragraph (4), assigned to the owner or owners of the apples, and which is required to be marked on each container within each lot or lots of apples included thereon.
 8. Within 20 days after the date of sealing, each owner or operator shall provide the Department with a written report for each room containing the following information:
 - a. The room number;
 - b. The date of sealing;
 - c. The number of bushels contained therein.
 9. Upon complying with the filling, sealing, and atmosphere requirements of this subsection, all controlled atmosphere rooms shall be sealed with a Department seal by an authorized Department representative. Any such sealed room may not be entered during the required 90-day storage period, except under the following conditions:
 - a. In order to make repairs necessary to maintain proper storage conditions, the applicant shall notify the Director, or the Director's authorized representative, within 48 hours of such entry; and
 - b. For the purpose of removing apples; such entry shall be subject to the following requirements:
 - i. The Director, or authorized representative, shall be notified of the amount of apples to be removed 24 hours prior to opening the rooms; and
 - ii. No apples shall be added during the time the room is open; and
 - iii. While open, the temperature of rooms containing hard varieties, such as Delicious, Rome, and Stayman Winesap, shall not exceed 36° F; and
 - iv. The oxygen content of the room shall be reduced to 5% or less within six days (144 hours) after the time the room is opened; and
 - v. No room shall be entered more than once during the required 90-day period for the purpose of removing apples.
 - c. Any room which has been entered, pursuant to subparagraph (9)(b), shall be resealed by an authorized Department representative. The total amount of time the room has been above 5% oxygen shall be added to the original 90-day period thereby assuring a minimum of 90 days at, or below, 5% oxygen, except in the case of Gala, Fuji, or Braeburn varieties which

shall be a minimum of 60 days at, or below, 5% oxygen.

Historical Note

Section R3-4-701 renumbered from R3-7-101 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-702. Apricot Standards

A. Definitions.

1. "Mature" means having reached the stage of maturity which will insure the proper completion of the ripening process.
2. "Serious damage" includes any defect caused by limb rubs, growth cracks, dirt, scale, hail, disease, insects, mechanical injury, or any damage which causes breaking of the skin, or which affects the appearance or the edible or shipping quality of the apricot. Damage from well-healed growth cracks more than 1/2 inch in length shall be considered as serious damage.

B. Apricots shall be of one variety which are mature but not soft, overripe, or shriveled and which are free from decay, worm holes, and from serious damage.

C. Not more than 5%, by count, of the apricots in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Former Rule 100. Section R3-4-702 renumbered from R3-7-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-703. Asparagus Standards

A. Asparagus, when being packed or offered for sale, shall conform to the following standards:

1. Asparagus spears shall not be wilted or crushed;
2. Asparagus spears shall not be seriously damaged by spreading or seeded tips;
3. Asparagus spears shall not be seriously damaged by crooks unless the container clearly indicates it contains crooks;
4. Asparagus spears shall not have more than two inches of white on the butt, except that when bunched, 25% of the spears in any bunch may have up to 2 1/2 inches of white;
5. Asparagus spears shall be free from decay and serious damage;
6. Asparagus spears, when bunched, shall be uniform in size.

B. Not more than 5%, by count, of the spears in any lot shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Former Rule 101. Section R3-4-703 renumbered from R3-7-103 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-704. Beets and Turnip Standards

A. Definition.

"Serious damage" means damage caused by decay, disease, scab, nematode, growth cracks, mechanical injury, stringiness, woodiness, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.

B. Beets and turnips, when being packed or offered for sale, shall be free from serious damage.

C. Not more than 10% of the beets or turnips in any one lot shall fail to meet the requirements prescribed in this Section.

Historical Note

Former Rule 102; Amended paragraph (7) effective June 11, 1986 (Supp. 86-3). Section R3-4-704 renumbered from R3-7-104 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-705. Broccoli Standards

A. Definitions.

1. "Bunch" means stalks bound together to form a unit. A single stalk may be considered a bunch if it is approximately as large as bunches in the lot.
2. "Serious damage" means damage caused by means worm or insect injury, or any condition which would cause a loss of 20% or more, by volume, of any one stalk of broccoli.
3. "Stalk" means an individual unit of broccoli which consists of the stem, head cluster, and any attached leaves.

B. Broccoli, when being packed or offered for sale, shall be free from mold, decay, and serious damage.

C. Not more than 5%, by count, of a bunch of broccoli in any lot of containers or bulk lot shall be allowed for mold and decay and not more than 15%, by count, in any lot of containers or bulk lot shall fail to meet the total requirements prescribed in this Section.

Historical Note

Former Rule 103. Section R3-4-705 renumbered from R3-7-105 (Supp. 91-4). Former Section R3-4-705 renumbered to R3-4-736, new Section R3-4-705 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-706. Brussels Sprouts Standards

A. Definitions.

1. "Discoloration" means the appearance is materially affected by discolored leaves or parts of discolored leaves.
2. "Fairly firm" means the Brussels sprouts are not soft or spongy.
3. "Fairly well colored" means that the Brussels sprouts shall not be lighter than yellowish green color.
4. "Insects" means that:
 - a. There is serious damage by aphid infestation within the compact portion of the head; or
 - b. The outer leaves are seriously damaged by infestation; or
 - c. Slug worms or worm frass are present; or
 - d. The appearance is materially affected by slug or worm damage.
5. "Seedstems" means the seedstem is showing or the formation of the seedstalk has plainly begun.
6. "Serious damage" includes damage caused by discoloration, dirt or other foreign materials, freezing, disease, insects, mechanical injury.

B. Brussels sprouts shall be fairly well colored, fairly firm, not withered or burst, and free from soft decay, seedstems, and serious damage.

C. To allow for variations incident to proper grading and handling, not more than 5%, by weight, of the Brussels sprouts in any lot shall be allowed for any one defect and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Former Rule 104. Section R3-4-706 renumbered from R3-7-106 (Supp. 91-4). Former Section R3-4-706 renum-

bered to R3-4-737, new Section R3-4-706 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-707. Cabbage Standards

A. Definition.

"Serious damage" means damage caused by seedstems, discoloration, freezing, disease, insects, mechanical injury, or any condition which would cause a loss of 20% or more, by weight, of the head leaves.

- B.** Cabbage, when being packed or offered for sale, shall be firm, not withered, puffy, or burst, and shall be free from soft rot and decay and from serious damage.
- C.** Not more than 5%, by count, of the heads in any lot of containers or bulk lot shall be allowed for soft rot or decay and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Former Rule 105; Amended effective March 5, 1982 (Supp. 82-2). Section R3-4-707 renumbered from R3-7-107 (Supp. 91-4). Former Section R3-4-707 repealed, new Section R3-4-707 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-708. Cantaloupe Standards, Containers, Packing Arrangements

A. Definitions.

- "Mature" means that a cantaloupe has reached the stage of development that ensures the completion of the normal ripening process, the arils that surround the seed during development of maturity are absorbed, and the juice of the edible portion contains not less than 9% soluble solids as determined by the standard hand refractometer:
 - Soluble solids determination means selecting the least mature-looking cantaloupes and remove 2 1/2-inch diameter plugs from opposite sides of each melon, 1/2 the distance between the stem and blossom ends. Removing the outer 3/8 inch of the rind from the plugs; however, use all the rag on the inside of the plugs. Extract the juice from the plugs and determine the percentage of soluble solids by using a standard hand refractometer.
 - Low sugar indicators means the cantaloupe has poor netting, dark spots, sunburn, dark green color, or is soft, and has been torn from the vine before reaching full slip.
 - "Lidded or closed" means:
 - The opening of corrugated fiberboard containers is completely covered, except for necessary ventilation openings. The container covering is made of material similar to that used in the construction of the sides and bottom of the container and is securely attached to the top.
 - Forty percent or more of nailed wooden, wirebound, or other container openings is covered with material similar to that used in the construction of the sides and bottoms of the container and is securely attached to the top.
 - "Serious damage" includes damage caused by bruises, sunburn, growth cracks, cuts sponginess, flabbiness, or wilting.
- B.** Cantaloupes shall be mature but not overripe, fairly well-netted, and free from mold, decay, and insect damage which has penetrated or damaged the edible portion of the cantaloupe and free from serious damage.
- C.** If a preliminary inspection of the cantaloupes indicates that further testing is required, as prescribed in R3-4-739(A) and (B), the inspector shall randomly select the following number

of melons and average the results to determine the percent of soluble solids: The minimum number of cantaloupes selected from a container for maturity sampling is as follows:

Melons Per Container	Min. Melons Tested
9 or less	7
12	8
15	11
18	13
22	15
23	16

- D.** Not more than 5%, by count, of the cantaloupes in any 1 lot shall be allowed for any 1 defect and not more than 10%, by count, shall fail the total requirements prescribed in this Section.
- E.** All cantaloupes in each container shall be of 1 variety or of similar varietal characteristics.
- F.** Cantaloupes packed in the standard containers shall be uniform in size and shall conform with the following:
- All containers of cantaloupes shall have the following information appearing in plain sight and in plain letters on 1 outside end:
 - The name of the person who 1st packed or authorized the packing of the cantaloupe, or the name under which the packer does business; and
 - The address of the person or business.
 - Each container of cantaloupes shall be conspicuously marked in letters of not less than 1/2 inch in height, stating the exact number of melons packed within the container.
 - All cantaloupes shall be packed in a regular compact arrangement in a closed standard container.
 - Standard containers shall be in counts of 6, 9, 12, 15, 18, 22, 23, 30, or 36.
 - Consumer containers or single-layer containers shall be in counts of 5, 6, 8, or 9.
- G.** Standard and bulk containers shall conform to the following inside dimensions, in terms of inches:

Containers	Length	Width	Depth
Standard containers and consumer packs	16-7/16"	13-9/16"	6"
	16"	12-13/16"	10-1/2"
	21-7/8"	12"	12"
	21-7/8" to 22-1/8"	13"	13" to 13-1/2"
	22-1/2"	13"	13-1/2"
	21-7/8" to 22"	13"	9" to 9-1/2"
	22" to 22-3/8"	13"	9" to 10"
	22"	13"	10-1/2"
	12-7/8"	12-7/8"	15-1/2" to 16"
	16-3/8" to 17"	12-3/8" to 13-1/4"	9-3/4" to 10-1/2"
	16-1/2"	13-5/8" to 14"	10-1/4"
	22-1/8"	16"	6-3/4" to 8-3/4"
	22-1/8"	14"	7-3/4"
	22-1/8"	14-1/2"	5-3/4"
	23 5/8"	15 3/4"	7 3/4"
	17"	15-1/4"	6-1/2"
Bulk containers	48"	38"	18", 24", 36", or 48"

Historical Note

Former Section R3-4-708 renumbered to R3-4-740, new Section R3-4-708 adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1).

R3-4-709. Carrot Standards

A. Definition.

"Serious damage" means damage caused by growth cracks, mechanical injury, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.

- B.** Carrots, when being packed or offered for sale, shall be free from decay and insect injury which has penetrated or damaged

the flesh and shall be free from serious damage. Not more than 10% of any lot of carrots shall fail to meet these requirements.

- C. When bunched, carrots shall be uniform in size. When carrots range in diameter from 3/4 inch to 1 1/4 inches, a bunch shall contain 8 to 11 carrots, and if over 1 1/4 inches, 5 to 7 carrots.
- D. Topped carrots when packed in lugs, boxes, crates, or sacks shall be uniform in size.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-710. Cauliflower Standards

- A. Definition.
"Serious damage" means damage caused by worm, insect injury, freezing, sunburn, or any other condition which would cause a loss of 20% or more of the edible portion of an individual head of cauliflower.
- B. Cauliflower, when being packed or offered for sale, shall be free from mold, decay, and serious damage.
- C. Cauliflower shall be trimmed to the number of leaves necessary to protect the head.
- D. Not more than 5%, by count, of heads of cauliflower in any lot of containers or bulk lot shall be allowed for mold and decay and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-711. Celery Standards

- A. Definitions.
 - 1. "Pithy branches" means the stalk has more than four branches which are pithy; provided that not more than 10%, by count, of the stalks in any one lot or container are pithy.
 - 2. "Seedstems" means that the stalk has a seedstem the length of which is more than twice the diameter of the stalk measured at a point two inches above the point of attachment at the root.
 - 3. "Serious damage" includes damage caused by freezing, growth cracks, dirt, insect damage, seedstems, pithy branches, decay, black-heart, mechanical injury.
- B. Celery, when being packed or offered for sale, shall be fairly well developed, free from serious damage.
- C. The number of stalks in each container shall be specified by numerical count, or in terms of dozens or half-dozens, in block numerals not less than 1/2 inch in height on the container. A three-stalk variation from the specified count shall be allowed.
- D. Not more than 5%, by count, of the celery in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-712. Cherry Standards

- A. Definitions.
 - 1. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.
 - 2. "Fairly well colored" means that the cherries show the characteristic color of mature cherries of the variety.
 - 3. "Mature" means that the cherries have reached a stage of growth which will insure the proper completion of the ripening process.
 - 4. "Serious damage" includes damage caused by bruises, cracks, disease, hail, other insects, limb rub, pulled stems, russetting, scars, skin breaks, sunburn, sutures, mechanical injury.

- 5. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

- 6. "Well-formed" means that the cherry has normal shape characteristic of the variety.

- B. Cherries shall be of similar varietal characteristics which are mature but are not soft, overripe, or shriveled, and which are fairly well colored, well-formed, clean, and free from decay, worms or worm holes, undeveloped doubles, sun scald, and free from serious damage.
- C. Not more than 5%, by count, of the cherries in any one lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-713. Corn Standards

- A. Definition.
"Serious damage" means wilting, shriveling, worms, disease, decay, insects, or any condition which would cause a loss of 10% or more to an individual ear of corn.
- B. Corn, when being packed or offered for sale, shall be mature but not over-mature, as indicated by a "doughy" condition of the kernels, and shall be free from serious damage.
- C. Not more than 10%, by count, of the ears in any lot shall fail to meet the requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-714. Endive, Escarole, or Chicory Standards

- A. Definitions.
 - 1. "Fairly well blanched" means that the plant shall have a yellowish white to white heart formation with a spread averaging not less than four inches in diameter when the head is opened as far as possible without breaking the leaves or leaf stems.
 - 2. "Serious damage" includes damage caused by seedstems; broken, bruised, spotted or discolored leaves; wilting; dirt; disease; insects; mechanical injury.
 - 3. "Similar varietal characteristics" means that the plants shall be of the same type, such as curly-leaved endive or broad-leaved escarole.
 - 4. "Well trimmed" means that the root shall be neatly cut close to the point of attachment of the outer leaf stems.
- B. Endive, escarole, or chicory shall consist of plants of similar varietal characteristics, which are fresh, well trimmed, fairly well blanched, free from decay and from serious damage.
- C. In order to allow for variations incident to proper grading and handling, not more than 5%, by count, shall be allowed for decay; not more than 10%, by count, shall be allowed for any other cause; and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section;

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-715. Greens Standards (Collards, Rapini, Mustard, and Turnip)

- A. Definitions.
 - 1. "Fairly clean" means that the appearance of the greens is not materially affected by the presence of mud, dirt, or other foreign materials.
 - 2. "Fairly tender" means that the greens are not old, tough, or excessively fibrous.
 - 3. "Fresh" means that the leaves are not more than slightly wilted.

4. "Serious damage" includes damage caused by discoloration, freezing, foreign material, seedstems, disease, insects, mechanical injury.
- B. Greens shall be of one variety, which are fresh, fairly tender, fairly clean, and which are free from decay and free from serious damage.
- C. Not more than 5%, by weight, of the greens in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-716. Head Lettuce Standards, Containers, Packing Arrangements

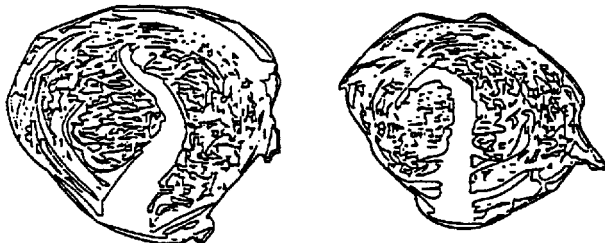
A. Definition.

"Serious damage" means damage caused by broken midribs, bursting, freezing, tipburn:

1. "Broken midribs" shall be considered serious damage when the midribs of more than four of the outer head leaves are broken and severed all the way across the midrib.
2. "Bursting" shall be considered serious when the head is cracked or split open and any part of the inner portion of the head is exposed.
3. "Freezing" shall be considered serious damage when it affects any portion of the head inside the six outer head leaves and the tissue in the inner head leaves is brittle, soft, pithy, or discolored due to freezing.
4. "Tipburn" shall be considered serious damage when the affected portion on one or more leaves, inside the six outer head leaves, exceeds an aggregate area of 1 inch by 1/2 inch and the color of the tipburn is light buff or darker. Serious damage does not include areas showing tan or brown specks with normal lettuce color between such specks.

- B. Head lettuce, when being packed or offered for sale, shall conform to the following standards:
 1. Head lettuce shall be mature;
 2. Head lettuce shall not be leafy without head formation;
 3. Head lettuce shall have no more than six wrapper leaves adhering to the head;
 4. Head lettuce shall be free from insect injury, slime, or decay affecting the leaves within the head;
 5. Head lettuce shall be free from seedstems which have been determined to be present by internal examination and which, as depicted in the first illustration, are less than 1/2 inch from the top of the head of lettuce or, as depicted in either illustration, exceed 4 inches in length;

LETTUCE SEEDSTEM



6. Head lettuce shall be free from serious damage.
- C. Not more than 5%, by count, of the heads of lettuce in any one container or bulk lot shall contain decay or slime and not more

than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

- D. Individual containers in any lot shall not contain more than 1 1/2 times the tolerance of defects prescribed in this Section if the percentage of defects in the entire lot averages within the tolerances specified, as determined by inspection of a representative sample, as set forth in R3-4-740.
- E. Packing requirements and standards containers for packaging head lettuce shall apply only to unwrapped or naked lettuce.
- F. No heads shall be placed in irregular arrangements of flat layers except when 30 heads are packed in a standard container, 6 heads of the same size or dimensions may be placed between the two layers of 12 heads each.
- G. Bulk lettuce shall be packaged in a container constructed either in a rectangular or semi-octagonal shape with an optional top cap and outside dimensions of 40 to 48 inches length, 33 to 40 inches width, and 24 to 42 inches depth. Bulk containers may be used for iceberg head lettuce harvested for processing.
- H. Standard containers for the packaging of unwrapped head lettuce shall conform to the following inside dimensions, in terms of inches. A closing device used to properly close the standard containers may be used only to assist in closing the container. The device shall not be used to apply pressure to eliminate any excessive bulge.

	Length	Width	Depth
Standard Containers	21"	14"	9-3/4"
	21-1/2"	16-1/8"	10-3/4"
	22-3/4"	14-7/8"	11"
	23-1/4"	15-1/4"	10-3/8"

- I. Standard and bulk containers shall be of corrugated fiberboard construction and may vary in size by 1/4 inch in all dimensions.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-717. Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons)

A. Definitions.

1. "Mature" means that the melon has reached the stage of development that ensures the proper completion of the normal ripening process, the arils that surround the seed during development of maturity are absorbed. The juice of the edible portion of honeyball and honeydew melons contains not less than 10% soluble solids as determined by the standard hand refractometer. If a preliminary inspection of the melons indicates that further testing is required, as prescribed in R3-4-739(A) and (B), the inspector shall conduct the following maturity sampling and tolerance tests and average the results to determine the percent of soluble solids:
 - a. When sampling honeydews and honeyball melons for maturity in lot containers more than 600, 3 melons shall be added for each additional 500 melons or fraction thereof. The minimum number of melons selected from a container for maturity sampling of honeydews in containers is as follows:

Containers in Lot	Containers Sampled
Up to 400	7
401 to 600	9

- b. When sampling honeydews and honeyball melons for maturity in bulk containers, 7 honeydews or honeyballs shall be selected at random from the top of the bulk container. The minimum number of melons selected from a container for maturity sampling of

honeydews or honeyballs in bulk containers is as follows:

No. of Bulk Containers	Containers Sampled
Less than 10	2
10 to 30	3
31 to 50	4
51 or More	5

- c. Except for yellow flesh watermelons, the flesh of a watermelon shall be colored to a degree not less than that indicated by Hue 4, Chrome H, in Plate 1, of A, Maerz and M. Rea Paul Dictionary of Color, 1st Edition, published 1930, which is incorporated by reference and does not include any later amendments or editions of the incorporated matter. This color standard is on file with the Office of the Secretary of State or may be examined in the Fruit and Vegetable Standardization Offices, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.
2. "Serious damage" includes:
 - a. Damage to a melon caused by growth cracks, cuts, bruises, sunburn, or softness.
 - b. Damage to a melon caused by growth cracks, cuts, bruises, sunburn, beetle damage, whiteheart, rindrot, or softness.
 - i. Beetle damage is serious damage when it affects an area of more than 10% of the total surface of a watermelon.
 - ii. Whiteheart is serious damage if apparent on internal examination.
 - iii. Sunburn is serious damage when the sunburned area, regardless of size, is devoid of green coloration and is turning brown.
 - iv. Rindrot is serious damage when the distinct brown color or decay in the edible flesh of at least 1 inch in aggregate occurs in the edible portion of the watermelon.
- B. All melons, except watermelons, when packed or offered for sale, shall be:
 1. Mature but not overripe;
 2. Free from mold, decay, and insect damage which has penetrated or damaged the edible portion of the melon; and
 3. Free from serious damage.
- C. Watermelons shall be:
 1. Fairly well-shaped;
 2. Mature but not overripe;
 3. Free from mold, decay, insect and beetle damage; and
 4. Free from serious damage.
- D. Not more than 5%, by count, of the melons in any 1 lot shall be allowed for any 1 defect and not more than 10%, by count, shall fail the total requirements prescribed in this Section.
- E. Standard containers in which melons are packed shall have the following information appearing in plain sight and in plain letters on 1 outside end:
 1. The name of the person who 1st packed or authorized the packing of the melons, or the name under which the packer does business; and
 2. The address of the person or business.
- F. Bulk containers in which melons are packed shall be 18", 24", 36", or 42" in depth.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1).

R3-4-718. Nectarine Standards

- A. Definitions.
 1. "Growth cracks" means cracks more than 5/8 inch in length, whether healed or not healed.
 2. "Heat injury, sprayburn, or sunburn" means the skin is blistered, cracked, or decidedly flattened or badly discolored.
 3. "Scab or bacterial spot" means the aggregate area exceeds that of a circle 3/4 inch in diameter.
 4. "Serious damage" includes damage caused by bruises, growth cracks, hail, heat injury, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russetting, other diseases, insects, mechanical injury.
 5. "Split pit". When causing an unhealed crack or when affecting the shape to the extent that the fruit is badly misshapen.
 6. "Scars". When dark or rough scars in the aggregate area exceed that of a circle 3/4 inch in diameter.
 7. "Russetting" means that 10% of the fruit surface is rough or slightly rough.
- B. Nectarines shall be of one variety, which are mature but not overripe; not badly misshapen; clean; free from decay, broken skins which are not healed, worms and worm holes; and free from serious damage.
- C. Not more than 5%, by count, of the nectarines in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-719. Okra Standards

- A. Definition.

"Serious damage" means damage caused by disease, decay, insects, woodiness, stringiness, or any condition which would cause a loss of 10% or more to an individual pod.
- B. Okra, when being packed or offered for sale, shall be free from serious damage.
- C. Not more than 10% of the pods in a lot shall fail to meet the requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-720. Dry Onion Standards

- A. Definitions.
 1. "Mature" means that the onion is fairly well cured and at least fairly firm.
 2. "Serious damage" means damage caused by:
 - a. Insect injury that has penetrated or affected the appearance or the edible portion of the onion;
 - b. Mold and decay;
 - c. Wet or dry sunscald, when affecting 1/3 of the total surface area;
 - d. Seedstems, when more than 1/2 inch in diameter;
 - e. Sprouting, when any visible sprout is more than 1 inch in length;
 - f. Staining, dirt, or other foreign material, when the onions in any lot are affected in appearance of 25% or more of the total surface;
 - g. Mechanical injury, when cuts seriously damage the appearance or edible portion of the onion;
 3. "Similar varietal characteristics" means that the onions in any container are similar in color, shape, and character of growth.

- B. Dry onions shall be of similar varietal characteristics, mature, and free from serious damage.
- C. Not more than 5%, by weight, of the onions in any lot shall be allowed decay or wet sunscald and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-721. Pea Standards

- A. Definition.
"Serious damage" includes damage caused by disease, mold, decay, freezing, dirt, insects, or from mechanical injury.
- B. Peas, when being packed fresh or sold shall be mature but not over-mature and shall be fairly well filled, fresh, firm, and free from serious damage.
- C. Not more than 10%, by weight, of any lot shall fail to meet the requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-722. Peach Standards

- A. Definitions.
 1. "Badly misshapen" means that the shape of the fruit deviates from the shape characteristics of the variety or is otherwise deformed to the extent that it affects its appearance.
 2. "Mature" means that the peach has reached a stage of growth, which will insure a proper completion of the ripening process.
 3. "Serious damage" includes damage caused by cuts which are not healed, worms, worm holes, bruises, dirt, or other foreign material, bacterial spots, scab, scale, growth cracks, hail damage, leaf or limb rubs, split pits, other disease, insects, mechanical injury.
- B. Peaches shall be of one variety, which are mature but are not soft or overripe, not badly misshapen, and which are free from decay and free from serious damage.
- C. Not more than 5%, by count, of the peaches in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-723. Pear Standards

- A. Definitions.
 1. "Serious damage" includes damage caused by internal breakdown, scald, freezing damage, worm holes, black end, hard end, broken skins, bruises, russetting limb rubs, hail, scars, drought spots, sunburn, sprayburn, stings or other insect damage, disease, mechanical injury.
 2. "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety.
- B. Pears shall be of one variety, which are mature but not overripe, clean, not seriously misshapen, free from decay, and free from serious damage.
- C. Not more than 5%, by count, of the pears in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-724. Sweet Pepper Standards

- A. Definitions.

1. "Firm" means that the pepper is not soft, shriveled, limp, or pliable, although it may yield to slight pressure.
2. "Mature green" means that the pepper has reached the stage of development that withstands normal handling and shipping.
3. "Not seriously misshapen" means that the pepper is not badly indented, crooked, constricted, or otherwise badly deformed.
4. "Serious damage" means damage caused by freezing injury, hail, scars, sunburn, disease, insects, mechanical injury, or any one of the following defects or combination of defects, the seriousness of which exceeds the maximum for any one defect:
 - a. Sunscald;
 - b. Any opening or puncture through the fleshy wall of the pepper;
 - c. Scars means evidence of scarring scattered over an aggregate surface area exceeding a circle 1 inch in diameter, or one scar 3/4 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter;
 - d. Sunburn means discoloration which affects an aggregate area exceeding 25% of the surface of the pepper;
 - e. Bacterial spot means evidence of bacteria over an aggregate area exceeding a circle 1 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter.
5. "Similar varietal characteristics" means each pepper shall be of the same general type. Thin- and thick-walled types shall not be mixed.

- B. Sweet peppers, when being packed or offered for sale, shall be of the same varietal characteristics which are mature green, firm, not seriously misshapen, free from sunscald and decay, and free from serious damage.
- C. Any lot of peppers which meets all the requirements prescribed in this Section, except those relating to color, shall be designated as "Red" if at least 90% of the peppers show any amount of a shade or red color; or as "Mixed Color" if the peppers fail to meet the requirements of "Green" or "Red".
- D. Not more than 5%, by count, of the peppers in any container or lot shall be allowed for sunscald; not more than 2%, by count, shall be allowed for decay; and not more than 10%, by count, shall fail to meet the total requirements in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-725. Fresh Plum and Prune Standards

- A. Definitions.
 1. "Badly misshapen" means that shape of the fruit deviates from the shape characteristics of the variety or is otherwise so malformed or rough that it affects its appearance. Doubles shall be considered badly misshapen.
 2. "Serious damage" includes damage caused by broken skins, heat damage, growth cracks, sunburn split pits, hail marks, drought spots, gum spots, russetting scars, other disease, insects, mechanical injury.
- B. Fresh plums or prunes shall be of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled, which are free from decay or sunscald, and free from serious damage.
- C. Not more than 5%, by count, of the fruit in any one container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-726. Potato Standards**A. Definitions.**

1. "Badly skinned" means that more than 50% of the skin of the individual potato is missing or feathered.
2. "Serious damage" means damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, shriveling, scab, dry rot, rhizoctonia, insect, larvae, worms, other diseases, mechanical injury, or any external defect which cannot be removed without a loss of more than 10% of the total weight of the potato.
3. "Seriously misshapen" means that the potato is pointed, dumbbell-shaped, or otherwise deformed.

B. All potatoes when being packed or sold shall conform to the following standards:

1. Potatoes shall be of the same varietal characteristics and shall not be seriously misshapen or frozen;
2. Unless otherwise specified, the diameter of each potato shall be not less than 1 1/2 inches and not more than an average of 3% of the potatoes in any one container or lot. Not more than 6% of the potatoes in any one container or lot shall fail to meet such specified minimum size requirements, except that potatoes sold or offered for sale as U.S. No. 1 shall have a diameter of not less than 1 7/8 inches, unless otherwise specified on the container thereof;
3. Potatoes shall be free from black heart, late blight, southern bacterial wilt, ringrot, softrot, or wet breakdown;
4. Potatoes shall be free from serious damage.

C. Not more than 30% of the potatoes in any one container or lot may be badly skinned.**D. Not more than a total of 12%, by weight, of the potatoes in any one container or bulk lot shall fail to meet the standards prescribed in this Section; provided that the following percentages shall be allowed for the following defects:**

1. Not more than 6% for potatoes having external defects;
2. Not more than 6% for potatoes which are seriously damaged by hollow heart, internal discoloration, or other internal defects; provided that not more than 3% of the external and internal defects shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ringrot, or late blight;
3. Not more than 3% shall be allowed for potatoes affected by soft rot or wet breakdown;

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-727. Romaine Standards**A. Definitions.**

1. "Serious damage" includes damage caused by decay; seedstems; broken, bruised, or discolored leaves; tipburn; wilting; foreign material; freezing; dirt; insects; mechanical injury.
2. "Well developed" means that the plant shows normal growth and shape.
3. "Well trimmed" means that the stem is trimmed close to the point of the outer leaves.

B. Romaine, when being packed or offered for sale, shall consist of plants of the same varietal characteristics which are fresh, well developed, well trimmed, and free from serious damage.**C. Seedstems shall be considered as serious damage when the length of the attached seedstem is more than 1/2 the overall plant length, or when any portion of the seedstem has been removed.****D. Not more than 5% of the plants in any one container or lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.****Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-728. Spinach Standards**A. Definition.**

"Serious damage" means damage caused by insects, disease, tip burn, frost injury, or any condition which would cause a loss of 20% or more of the leaves during preparation for use.

B. Spinach, when being packed or offered for sale, shall be free from serious damage.**C. Not more than 5% of the spinach in any one lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.****Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-729. Strawberry Standards**A. Definitions.**

1. "Mature" means any strawberry which has not less than 2/3 of the surface showing a characteristic reddish color.
2. "Serious damage" includes damage caused by rain, irrigation, sun, bruising, disease, insects.

B. Strawberries shall be mature but not overripe and not noticeably undeveloped or deformed; shall have the cap (calyx) attached, and shall be free from cuts, molds, decay, and serious damage.**C. Strawberries, when being packed or offered for sale, shall be contained in the dry pint basket containing an interior capacity of approximately 33 6/10 cubic inches.****D. Not more than 5%, by count, of the berries in any one container or subcontainer shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.****Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-730. String Bean Standards**A. Definition.**

"Serious damage" means damage caused by freezing, hail, dirt, disease or insect injury, rust, anthracnose, mold, mildew, decay or from mechanical injury, or any condition to an individual pod which would cause a loss of 10% or more to any one bean.

B. String beans, when being packed or offered for sale, shall be mature, free-snapping but not overmature, and shall be free from serious damage.**C. Not more than 10% of the beans in a lot shall fail to meet the requirements prescribed in this Section.****Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-731. Summer Squash Standards**A. Definition.**

"Serious damage" includes damage caused by freezing, discoloration, cuts, bruises, scars, dirt or other foreign material, disease, insects, mechanical damage.

B. Summer squash shall consist of one variety or similar varietal characteristics which are not old and tough but are firm, free from decay and breakdown, and free from serious damage.**C. Not more than 5%, by weight, of the squash in any container or lot shall be allowed for decay or breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.**

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-732. Sweet Potato Standards**A. Definition.**

"Serious damage" means damage caused by insect injury, bruises, growth cracks, freezing, grass roots, or any condition which would cause a waste of 10%, by weight, to a potato.

- B.** Sweet potatoes shall be free from mold, decay, soft and wet rot, and free from serious damage.
- C.** When packed in lugs, boxes of sacks, sweet potatoes shall be fairly uniform in size.
- D.** Not more than 5%, by weight, of sweet potatoes in a container or bulk lot shall be allowed for decay and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-733. Table Grape Standards**A. Definitions.**

1. "Mature" shall be applied when the following conditions exist in each bunch of grapes tested:
 - a. The juice of all varieties contains soluble solids equal to, or in excess of, 18 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization);
 - b. Perlettes; at least 15% soluble solids;
 - c. Black Beauty Seedless; at least 15% soluble solids;
 - d. Thompson Seedless and Flame Seedless varieties; at least 16% soluble solids;
 - e. Exotic variety; at least 14% soluble solids.
2. "Serious damage" means more than 5%, by count, of the berries on any one bunch are affected by one or more of the defects set forth in paragraph (A)(3).
3. "Serious defects" means:
 - a. "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (cladosporium) shall not be considered decay.
 - b. "Mildew and insect damage" includes the penetration or damage of the flesh of the berry, mold, decay, raisined berries, sunburned or dried berries, water or red berries, mechanical injury.
 - c. "Raisined berries" means berries which are fully cured resembling raisins and which do not contain sufficient juice to drop from the berry under ordinary pressure between the thumb and finger.
 - d. "Red berry" means a condition closely resembling waterberry. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.
 - e. "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.
 - f. "Waterberry" means a condition characterized by a watery, soft, or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins, and are very easily crushed.
 - g. "Wet" means that the grapes are wet from moisture due to crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

- B.** Table grapes shall consist of bunches of grapes which are mature and free from serious damage due to serious defects.
- C.** Not more than 10%, by weight, of the bunches in any one container or bulk lot shall fail to meet the requirements prescribed in this Section.
- D.** In all varieties, the testing of soluble solids in the juice shall be determined by the hand refractometer.
- E.** The maturity of varieties, prescribed in paragraph (A)(1), shall be determined by testing the juice of entire bunches after removing the bunches from a standard 22-pound container; or 10%, by weight, of the least mature grapes in appearance from a contiguous area in the container in any other container.
- F.** No lot of grapes shall be considered as failing to meet the maturity requirements if the sample of grapes from one container fails to meet the required percent of soluble solids for that variety.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-734. Tomato Standards**A. Definition.**

"Serious damage" means damage caused by blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaces, blossom end scars, and growth cracks.

- B.** Tomatoes shall be mature but not overripe and shall be free from insect injury which has penetrated or materially damaged the flesh, wet or soft rot, blight, freezing injury, and from serious damage.
- C.** Tomatoes when being packed or sold shall be virtually uniform in size.
- D.** Not more than 5% of tomatoes in any container or lot shall be allowed for any one cause and not more than 10% shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-735. Winter Squash Standards**A. Definition.**

"Serious damage" means damage caused by soft rot or wet breakdown, freezing, dirt, diseases, insects, mechanical damage, and also includes:

1. Scars caused by rodents or other means, which are not well healed or corked over, or which cover more than 25% of the surface of the squash in the aggregate area;
 2. Dry rot which affects an area of more than 2 inches in diameter in the aggregate area on a 10-pound squash or an equivalent amount on a smaller or larger squash.
- B.** Winter squash shall be of similar varietal characteristics which are fairly well mature, not broken or cracked, and are free from serious damage.
 - C.** Not more than 5%, by weight, of a squash in any lot shall be allowed for soft rot or wet breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-736. Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards

- A.** The following standards shall apply for those fresh fruit and vegetables for which specific quality standards are not otherwise established in this Article.
- B.** At least 90% by weight or by count of all fresh fruit or vegetables packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other

serious defects which damage the appearance or the shipping quality of the commodity as determined by an inspection of a representative sample prescribed in R3-4-738.

- C. All experimental products shall be subject to the standards for unlisted fresh fruit and vegetables prescribed in this Section and the requirements for labeling containers prescribed in R3-4-737.

Historical Note

Section R3-4-736 renumbered from R3-7-705 and amended effective January 6, 1994 (Supp. 94-1).

R3-4-737. Container Labeling for Fruit and Vegetables

- A. All containers shall bear in plain sight and plain letters on 1 outside panel the following:
1. The name of the shipper;
 2. The city, state, and zip code of the shipper;
 3. The common or generic name of the commodity in each container;
 4. The count, measure, or net weight of the commodity contained in each container, except for bulk containers.
- B. No container shall bear any false or misleading statement.

Historical Note

Section R3-4-737 renumbered from R3-7-706 and amended effective January 6, 1994 (Supp. 94-1).
Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1).

R3-4-738. Inspection and Representative Sampling for Fruit and Vegetables

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation. When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells fruit or vegetables, containers shall be selected at random from widely separated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.
- B. If, after the preliminary inspection, the inspector determines that the quality of the product meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, there is a failure to comply with the requirements of this Article, the inspector shall conduct a comprehensive inspection.
- C. For a comprehensive inspection of a field packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D. In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector need only examine a portion of the specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

- E. If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

- F. Except for apples and head lettuce, individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-739. Reconditioning for Fruit and Vegetables

- A. Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 7 of these rules shall be reconditioned within 72 hours. If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.
- B. Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 7 of these rules shall be reconditioned within 48 hours. If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-486.
- C. The supervisor or the supervisor's designee may grant a time extension for reconditioning the lot or part of the lot if the owner or holder of the lot or part of the lot which fails to comply with this Article requests an extension in writing with a specific date and time the lot or part of the lot will be reconditioned. The written request for the time extension for reconditioning may be delivered to the supervisor or the supervisor's designee in person, by mail or by facsimile. If the lot or part of the lot is not brought into compliance with this Article within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-740. Experimental Container, Pack, and Product Permits for Fruit and Vegetables

- A. Applicants for a permit for the use of "experimental containers", "experimental packs", or "experimental products", pur-

suant to A.R.S. § 3-487(B)(3), shall provide the following information on a form furnished by the Department:

1. The name, company name, address, and telephone number of the applicant;
 2. The name and description of the product packed in the container;
 3. The description of the arrangement of the product packed in the container;
 4. The number of experimental containers to be used;
 5. The inside dimensions of the experimental container, expressed in inches;
 6. The time period for use of the experimental container, pack, or product.
- B.** All experimental products shall conform to the standards for unlisted fresh fruit and vegetables prescribed in R3-4-736.
- C.** Upon completion of permit requirements, the supervisor may grant a permit which shall be valid for a period of one year from the date of issuance.
- D.** Applicants shall maintain purchase and shipping documents and all records showing the number of containers used under the approved permit for a period of two years, including the year for which the application was approved.
- E.** Applicants may request renewal of an experimental container, pack, or product permit. No person shall be granted a permit for the same experimental container, pack, or product for more than three consecutive years unless the rulemaking process to standardize the experimental container, pack, or product has been initiated.

Historical Note

Section R3-4-740 renumbered from R3-4-708 and amended effective January 6, 1994 (Supp. 94-1).

R3-4-741. Inspection Fee

- A.** Pursuant to A.R.S. § 3-489, any unlicensed person requesting inspection of citrus, fruit, vegetables, or nuts shall be charged travel expenses and an hourly fee of \$30.00, as prescribed in A.R.S. § 38-621 et seq.
- B.** All fees are non-refundable and shall be paid to the Citrus, Fruit and Vegetable Revolving Fund upon completion of the inspection, as prescribed in A.R.S. § 3-489(B).

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-742. Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants

- A.** Every commission merchant shall keep a correct record of each consignment of farm products received for sale, showing:
1. The name and address of the consignor;
 2. The date of the consignment received;
 3. The condition and quantity of produce upon arrival;
 4. The date of the sale;
 5. The price for which sold;
 6. An itemized statement of charges to be paid by the consignor;
 7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the purchasers, or if the purchasers have a financial interest in the business of the commission merchant, either directly or indirectly, as holder of the other's corporate stock, as partner, as lender or borrower of money to or from the other, or otherwise;
 8. The lot number or other identifying mark of each consignment, which shall appear on all records necessary to show what the produce actually sold for;

9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.

- B.** The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant's accounting of any transaction which may be questioned.
- C.** Unless otherwise agreed to in writing, remittance in full of the amount realized from any sale, including collections, overcharges, and damages, less the agreed commission and other charges, accompanied by a complete statement of the transaction, shall be made to the consignor within ten days after receipt of the money by the commission merchant.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-743. Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers

- A.** Every shipper shall keep a correct record of each shipment of each assessed commodity shipped, showing:
1. The name and address of each producer;
 2. The shipment totals, by producer.
- B.** The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper's accounting of any transaction which may be questioned.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

ARTICLE 8. CITRUS FRUIT STANDARDIZATION

R3-4-801. Orange and Grapefruit Standards

- A.** Oranges are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than eight parts to every part of acid contained in the juice, except in the case of Bloods, tangerines, tangelos, and mandarins. The acidity of the juice shall be calculated as citric acid without water or crystallization.
 2. Not less than 90% of the oranges, by count, have attained a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 20-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930, except in the case of Valencia oranges that have turned greenish after having reached the soluble solids requirement. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.
- B.** Navels, at the time of sale, shall have not less than 90%, by count, a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface.

- C. Grapefruit are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than six parts to every part of acid contained in the juice. The acidity of the juice shall be calculated as citric acid without water or crystallization.
 2. Not less than 90% of the grapefruit, by count, have attained a minimum characteristic yellow or grapefruit color on at least 2/3 of the fruit surface as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

Historical Note

Section R3-4-801 renumbered from R3-7-201 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-802. Lemon Standards

Lemons are mature when they have a juice content of 30 percent or more by volume, except that lemons packed for export to foreign markets other than Canada shall not be required to meet this standard.

Historical Note

Former Rule 1. Section R3-4-802 renumbered from R3-7-202 (Supp. 91-4). Section R3-4-802 repealed, new Section R3-4-802 renumbered from R3-4-806 and heading amended effective January 6, 1994 (Supp. 94-1).

R3-4-803. Lime Standards

Limes are mature and free from serious damage, except freezing or drying, if, at the time of picking and all times thereafter, the following conditions occur:

1. Damage is serious if 20% or more of the pulp shows staining, drying, desiccation, or a mushy condition.
2. Damage by freezing or drying is very serious if 40% or more of the pulp shows evidence of drying, desiccation, or a mushy condition.
3. Not more than 10%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements prescribed in this Section. Not more than 5% shall be allowed for any one cause.
4. Not more than 15%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements because of freezing or drying. Not more than 5% of this tolerance shall be allowed for very serious freezing or drying damage. Evidence of freezing or drying damage shall be determined by making as many cuts of each individual lime as are necessary.

Historical Note

Former Rule 2. Amended effective January 10, 1977 (Supp. 77-1). Amended effective November 3, 1983 (Supp. 83-6). Section R3-4-803 renumbered from R3-7-203 (Supp. 91-4). Former Section R3-4-803 renumbered to R3-4-809, new Section R3-4-803 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-804. Tangerine, Tangelo, and Mandarin Standards

A. Definitions.

1. "Diameter" means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit.
2. "Tangerines, tangelos, or mandarins" means all varieties and hybrids of the mandarin group *citrus reticulata*.
3. "Serious damage" means damage caused by freezing or drying due to any condition if 20% or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

B. Tangerines, tangelos, and mandarins shall be:

1. Well colored; and
2. Free from serious damage by freezing or drying due to any cause; and
3. Free from decay.

- C. Tangerines, tangelos, or mandarins are mature if, at the time of picking and at all times thereafter, not less than 90%, by count, of the tangerine type fruit have attained a minimum characteristic yellow or light green color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, First Edition, published 1930. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

- D. Tangerines, tangelos, or mandarins shall meet the requirements prescribed in this Section if, at the time of sale, are well colored if 90%, by count, of the fruit in any lot show the yellow, orange, or red color of 75% or more of the surface of the fruit, and the fruit is free from serious damage.

- E. Not more than 10%, by count, of the tangerines, tangelos, or mandarins in any one container or bulk lot may fail to meet the requirements, as prescribed in this Section, because of damage by freezing or drying due to any cause.

- F. Not more than 5%, by count, of the tangerines, tangelos or mandarins in any one container or bulk lot may fail to meet the requirements prescribed in this Section because of serious decay.

Historical Note

Former Rule 3. Section R3-4-804 renumbered from R3-7-204 (Supp. 91-4). Former Section R3-4-804 renumbered to R3-4-807, new Section R3-4-804 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-805. Serious Defects in Citrus Fruit

A defect is serious in citrus fruit when the following conditions occur:

1. Any part of the fruit is affected with decay;
2. Damage by freezing or drying, from any cause, if 20% or more of the pulp or edible portion of the fruit shows evidence of drying or a mushy condition or, in a lemon, of staining (except membranous stain). Evidence of damage shall be determined by making as many cuts on each fruit as may be necessary;
3. Injury from any cause if the skin (rind) is broken and the injury is not healed;
4. Scars, including those caused by insects, if they are dark, rough, or deep, if an aggregate area of 25% or more of the fruit surface is affected;

5. Scale, if 50% or more of the fruit surface shows scale infestation in excess of 50 scales per square inch;
6. Dirt, smudge stain, sooty mold, rot residues, or other foreign material if an aggregate area of 25% or more of the fruit surface is affected;
7. Staining, if 50% or more of the fruit surface is affected with a pronounced discoloration.
8. Greenish or brownish rind oil spots, if an aggregate area of 25% or more of the fruit surface is affected;
9. Spotting or pitting, if the spots or pits are sunken and an aggregate area of 10% or more of the fruit surface is affected;
10. Sunburn in oranges or grapefruit, if it causes decided flattening of the fruit with drying and discoloration of the skin (rind) affecting more than 1/3 of the fruit surface;
11. Sunburn in lemons, if 25% or more of the pulp or edible portion shows evidence of drying, staining (except membranous stain), or a mushy condition. Evidence of damage shall be determined by as many cuts of each lemon as may be necessary;
12. Aging, if 1/3 or more of the fruit surface is dried and hard;
13. Roughness in oranges or grapefruit, if 90% or more of the fruit surface is rough, coarse, or lumpy;
14. Softness in oranges or grapefruit, if the fruit is flabby or, in the case of oranges, if the orange is spongy and puffy over 90% or more of the fruit surface;
15. Water spot in oranges, if the affected skin (rind) is soft or not healed;
16. Protruding or enlarged navel end in oranges, if the navel end protrudes beyond the general contour of the orange to such extent, or the navel opening is so wide considering the size of the orange, or the navel growth is so folded or ridged that it detracts from the appearance of the orange;
17. Damage to a lemon by internal decline from any cause, if 20% or more of the pulp or edible portion shows evidence of drying, staining (except membranous stain), or a mushy condition, or if the core shows gumming for its entire length. Evidence of damage shall be determined by as many cuts of each lemon as may be necessary;
18. Peteca in lemons, if the spots or pits are sunken and cover an aggregate area of 10% or more of the fruit surface;
19. Deformities in lemons, if 50% or more of the individual fruit is excessively misshapen, ridgy, or lumpy;
20. Red blotch in lemons, if the affected areas affect 10% or more of the fruit surface.

Historical Note

Former Rule 4. Section R3-4-805 renumbered from R3-7-205 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

R3-4-806. Tolerance for Serious Defects

- A. Except as to the requirements relating to maturity and freezing or drying, as set forth in this Article, the following shall apply:
 1. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be below the serious defect requirements, as prescribed in R3-4-805, and not more than 5% shall be allowed for any one cause.
 2. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be seriously damaged by freezing or drying from any cause as shown by representative samples as set forth in R3-4-812.
 3. When serious damage by freezing or drying from any cause is present, the combined tolerance for all defects shall not exceed 15%.

- B. Except as to the requirements relating to freezing as set forth in R3-4-807, and internal decline, sunburn, or drying as set forth in R3-4-805, the following shall apply:
 1. Not more than 10%, by count, of the lemons in any one container or bulk lot may be below the maturity requirements as set forth in R3-4-802 and the serious defect requirements as set forth in R3-4-805, and not more than 5% shall be allowed for any one cause.
 2. Not more than 10%, by count, of the lemons in any one container or bulk lot may be seriously damaged by freezing, internal decline, sunburn, or drying from any cause as shown by representative samples as set forth in R3-4-812.
 3. When serious damage by freezing, internal decline, sunburn, or drying from any cause is present, the combined tolerance of all defects shall not exceed 10%.

Historical Note

Former Rule 5. Section R3-4-806 renumbered from R3-7-206 (Supp. 91-4). Former Section R3-4-806 renumbered to R3-4-802, new Section R3-4-806 adopted effective January 6, 1994 (Supp. 94-1).

R3-4-807. Freezing Damage

Freezing damage is serious when:

1. Surface membranes show a water-soaked appearance or evidence of previous water soaking; or
2. The presence of crystals or crystalline deposits on the two surface membranes on each side of the two or more segments, as shown upon separation of the segments from one another. The section shall not be less than 1 inch or more than 1 1/2 inches in thickness of the central portion of the fruit obtained by cutting off a portion of each end. The evidence of freezing injury shall show the entire length, but not necessarily the entire area of the surface membrane.

Historical Note

Former Rule 6. Section R3-4-807 renumbered from R3-7-207 (Supp. 91-4). Section repealed, new Section R3-4-807 renumbered from R3-4-804 and amended effective January 6, 1994 (Supp. 94-1).

R3-4-808. Standards for Unlisted Citrus Fruit, Experimental Product Standards

- A. The following standards shall apply for that citrus fruit for which specific quality standards are not otherwise established in this Article.
- B. At least 90% by weight of all citrus fruit packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other serious defects which damage the appearance or the shipping quality of the commodity as determined by an inspection of a representative sample prescribed in R3-4-812.
- C. All experimental products shall be subject to the standards for unlisted citrus fruit prescribed in this Section and the requirements for labeling containers prescribed in R3-4-811.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-809. Standard and Bulk Containers for Citrus Fruit

- A. All citrus fruit packed in closed bags for sale to the consumer in their unbroken form shall have a net content of not more than 35 pounds.
- B. All citrus fruit, when offered for sale, shall be in a closed container, unless bulk containers are used.

- C. Standard and bulk containers for the packaging of citrus fruit shall conform to the following inside dimensions, in terms of inches.

	Length	Width		Depth	
Standard	9-13/16"	10-1/4"	FGS-12	5-1/8"	Tri-Pack 18#
	9-3/4"	8"	FGS-62	4-3/4"	1/4 Lemon Ctn. 10#
	10-1/4"	8-3/4"		5 Quad	
	11-3/8"	17-1/2"	FGS-677	4-1/4"	Single Layer
	13-1/4"	9"		5-1/4"	
	13-15/16"	9"	FGS-66	6"	Orange Consumer Ctn. 18#
	16-3/8"	10-11/16"	FGS-58	5-1/4"	Consumer 20# 1/2 Ctn.
					Family Pack
	16-3/8"	12-1/16"		5-1/2"	Family Pack
	16-3/8"	12-11/16"		5-1/2"	Consumer 20# 1/2 Ctn.
	16-3/8"	10-11/16"	FGS-11	7-1/2"	Tangerine 28#
	16-3/8"	10-11/16"	FGS-16	8-1/2"	Tangerine Tray 28#
	16-3/8"	10-11/16"	FGS-8	9-3/4"	Grapefruit
	16-3/8"	10-11/16"	FGS-7	10-1/4"	40#
	16-3/8"	10-11/16"	FGS-16	11-1/4"	Tangerine 28#
	16-7/8"	10-1/2"		10-1/8"	40#
	20-1/8"	12-1/4"	FGS-57	11"	Master Container
	20-1/4"	12-1/4"	FGS-56	11"	Master Container
	20-1/4"	12-1/4"		12"	Master Container
	20-7/16"	12-7/16"	FGS-49	12-3/6"	Master Container
	21"	13-1/4"	FGS-44-46-47	13-1/2"	Master Container
	23-1/2"	13"		12-1/2"	40# Master Container
	23-1/2"	13"		14-1/2"	Master Container
Bulk	48"	38"		24", 36", 42"	

- To allow for reasonable manufacturing variation, a tolerance of plus or minus 1/8 inch for standard container and a tolerance of plus or minus 1/2 inch for a bulk container shall be permitted in each dimension.
 - Citrus standard and bulk containers shall be of corrugated fiberboard construction with not more than a one inch gap between outer side flaps.
- D. Consumer containers are exempt from standard container requirements but shall meet the labeling requirements prescribed in R3-4-811 and the minimum quality requirements of each commodity.
- E. When a non-licensed person purchases bulk-variety citrus fruit from a licensed citrus dealer for the retail sale of fruit to the consumer, the non-licensed person shall possess a receipt or bill of lading for that lot. The citrus fruit shall meet the minimum quality requirements of each commodity and the lot shall not exceed 7,000 pounds.
- F. Applicants may apply to the Supervisor for temporary, written permission to make an experimental shipment of citrus fruit in a container having dimensions other than those of the standard or bulk containers now in effect as prescribed in R3-4-814.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-810. Packaged Count and Average Diameter

- A. Oranges, grapefruit, and lemons, when packed or placed loose without packing in standard containers, shall be marked, by count, on the container and shall be one of the numbers tabulated in Chart 1, Column A. The average diameter marked on the container shall be the corresponding number tabulated in

Chart 1, Column B. The average diameter, in inches, of the oranges, grapefruit, or lemons in the container as determined by inspection of a representative sample shall not be less than the corresponding measurements tabulated in Chart 1, Column B for each such fruit.

- Oranges, grapefruit, and lemons, when placed loose without packing in authorized standard containers, shall be placed in the containers so compactly that they will not readily move in the container. The container shall be level full of fruit and the count in the container shall be equal to the count marked with a permissible count not exceeding 8%.
 - The count of oranges, grapefruit, and lemons, when place-packed in the authorized standard container, shall be equal to the count marked on the container with a permissible count not exceeding 5%.
 - Oranges, grapefruit, and lemons may be packed in bulk containers. If bulk containers are used, no more than one size designation shall be contained therein.
- B. Limes, when packed or placed loose without packing in standard containers, shall be marked, by size, on the container and shall be one of the numbers tabulated in Chart 1, Column B. The average diameter, in inches, of the limes in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurements tabulated in Chart 1, Column A for each such fruit. Limes shall be fairly uniform in size and shall be loosely packed in closed standard containers or in bulk containers. Every container shall be full of limes.

Department of Agriculture - Plant Services Division

PACKING CHART 1

ORANGES		GRAPEFRUIT		LEMONS		LIMES	
Column A	Column B	Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.	Range	Size
24	4.370	9	6.200	63	2.925	2-5/16" to 2-5/8"	110
32	3.970	12	5.640	75	2.775	2-5/32" to 2-5/16"	150
36	3.820	14	5.350	95	2.570	2-1/16" to 2-5/32"	175
40	3.680	16	5.120	115	2.410	1-29/32" to 2-1/16"	200
48	3.470	18	4.920	140	2.240	1-25/32" to 1-29/32"	250
56	3.300	23	4.540	165	2.130	1-21/32" to 1-25/32"	275
72	3.040	27	4.270	195	2.010	1- 9/16" to 1-21/32"	300
88	2.840	32	4.020	235	1.880		
113	2.600	36	3.880	285	1.770		
138	2.420	40	3.740	319	1.685		
163	2.290	48	3.530	343	1.640		
180	2.220	56	3.350				
210	2.070	64	3.170				
245	1.980	80	2.900				
270	1.920	88	2.840				

- C. The diameter, in inches, of tangerines, tangelos, or mandarins in containers shall be marked with one of the size designations tabulated in Column A of Packing Chart 2 and shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided that the diameter, in inches, of not more than 10%, by count, of the fruit in the container measures less than the corresponding measurement in Column B, and not more than the corresponding measurement in Column C.

PACKING CHART 2

COLUMN A	COLUMN B	COLUMN C
OMG	4.25+	
Ultra Colossal	3.75	4.25
Super Colossal	3.25	3.75
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

- D. Minneola tangelos may be packed, by count, using Packing Chart 2, or Packing Chart 3.

PACKING CHART 3

	COUNT	AVERAGE DIAMETER	PACK PATTERN	ROWS	LAYERS
OMG	36	4.25	4x4	3	3
OMG	40	4.00	3x2	4	4
Super Ultra Colossal	48	3.75	3x3	4	4
Super Ultra Colossal	48	3.75	4x4	3	4
Ultra Colossal	56	3.50	4x3	4	4
Super Colossal	64	3.375	4x4	4	4
Colossal	80	3.125	5x5	4	4
Mammoth	100	2.875	4x4	5	5
Jumbo	125	2.625	5x5	5	5
Large	150	2.375	6x6	5	5
Medium	180	2.125	5x5	6	6
Small	210	1.875	6x6	6	6

- E. If bulk containers are marked with the words "irregular sizes", the tangerines, tangelos, or mandarins which fail to meet the size requirement shall comply with this Section.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-811. Container Labeling for Citrus Fruit

All containers shall bear in plain sight and plain letters on one outside panel the following:

1. The name of the shipper;
2. The city, state, and zip code of the shipper;
3. The common or generic name of the commodity in each container;
4. The count, quantity, or net weight of the commodity contained in each container.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-812. Inspections and Representative Sampling for Citrus Fruit

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation. When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells citrus fruit, containers shall be selected at random from widely separated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field

packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.

- B.** If, after the preliminary inspection, the inspector determines that the quality of the product clearly meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, the inspector suspects there may be a failure to comply with the requirements of this Article, the inspector shall complete the procedures for a comprehensive inspection.
- C.** For a comprehensive inspection of a field or shed packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D.** In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector need only examine a portion of the specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

- E.** If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

- F.** Individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-813. Reconditioning for Citrus Fruit

- A.** Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 8 of these rules shall be reconditioned within 72 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of a lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions as prescribed in A.R.S. § 3-444.

- B.** Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 8 of these rules shall be reconditioned within 48 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-444.
- C.** Time-limit extensions shall be granted provided that the holder of the product held in violation requests a specific deadline, by facsimile or by letter, to the office of the supervisor. A lot or part of a lot not reconditioned by the requested extension time shall be dealt with according to the provisions, as prescribed in A.R.S. § 3-444.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-814. Experimental Container, Pack, and Product Permits for Citrus Fruit

- A.** Applicants for a permit for the use of "experimental containers", "experimental packs", or "experimental products", pursuant to A.R.S. § 3-445(B)(3), shall provide the following information on a form furnished by the Department:
1. The name, company name, address, and telephone number of the applicant;
 2. The name and description of the product packed in the container;
 3. The description of the arrangement of the product packed in the container;
 4. The number of experimental containers to be used;
 5. The inside dimensions of the experimental container, expressed in inches;
 6. The time period for use of the experimental container, pack, or product.
- B.** All experimental products shall conform to the standards prescribed in this Article.
- C.** Upon completion of permit requirements, the supervisor may grant a permit which shall be valid for a period of one year from the date of issuance.
- D.** Applicants shall maintain purchase and shipping documents and all records showing the number of containers used under the approved permit for a period of two years, including the year for which the application was approved.
- E.** Applicants may request renewal of an experimental container, pack, or product permit. No person shall be granted a permit for the same experimental container, pack, or product for more than three consecutive years, unless the rulemaking process to standardize the experimental container, pack, or product has been initiated.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-815. Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants

- A.** Every commission merchant shall keep a correct record of each consignment of farm products received for sale showing:
1. The name and address of the consignor;
 2. The date of the consignment received;
 3. The condition and quantity of produce upon arrival;
 4. The date of the sale;
 5. The price for which sold;
 6. An itemized statement of charges to be paid by the consignor;
 7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the purchasers, or if the purchasers have a financial interest

in the business of the commission merchant, either directly or indirectly, as holder of the other's corporate stock, as partner, as lender, or borrower of money to or from the other, or otherwise;

8. The lot number or other identifying mark of each consignment;
9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.

- B.** The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor, or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant's accounting of any transaction which may be questioned.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

R3-4-816. Recordkeeping and Reporting Requirements for Citrus Fruit Shippers

- A.** Every shipper shall keep a correct record of each shipment of each assessed citrus commodity shipped, showing:
1. The name and address of the producer;
 2. The shipment totals, by producer.
- B.** The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed citrus commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper's accounting of any transaction which may be questioned.

Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

ARTICLE 9. BIOTECHNOLOGY

R3-4-901. Genetically Engineered Organisms and Products

- A.** Definitions. In addition to the definitions provided in A.R.S. § 3-101, the following shall apply:
1. "Associate Director" means the Associate Director of the Plant Services Division of the Arizona Department of Agriculture.
 2. "Genetically engineered" means the genetic modification of organisms by recombinant DNA techniques, including genetic combinations resulting in novel organisms or genetic combinations that would not naturally occur.
 3. "Organisms" means any active, infective, or dormant stage or life form of any entity characterized as living, including vertebrate and invertebrate animals, plants, bacteria, fungi, mycoplasmas, mycoplasma-like organisms, as well as entities such as viroid, viruses, or any entity characterized as living related to the foregoing.
 4. "Permit" means an application which has been approved by USDA and the Department.
 5. "Permit application" means an application filed with USDA, which may be supplemented with requirements from the Department, for the introduction of genetically engineered organisms and products, as provided by 7 CFR 340, revised June 16, 1987, pages 22908 through 22915. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

6. "Product" means plant reproductive parts including pollen, seeds, and fruit, spores, or eggs.

7. "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA, APHIS, PPQ).

- B.** Permit applications. A genetically engineered organism or product shall not be introduced into Arizona, sold, offered for sale, or distributed for release into Arizona's environment unless a permit issued pursuant to the application has been issued by USDA, or the Department has been notified by the USDA that the genetically engineered organisms or product is eligible under the notification procedure, as prescribed by 7 CFR 340.3, revised April 1993, or it has been determined by the USDA to be of nonregulated status, as prescribed by 7 CFR 340.6, revised April 1993. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

1. Applicants for the release or use of genetically engineered organisms or products shall follow all permit application procedures required by USDA.
2. In addition to USDA's requirements, permit applications shall demonstrate to the Department that:
 - a. Genetically engineered organisms or products shall be handled in such a manner so that no genetically engineered organism or product accidentally escapes into Arizona's environment.
 - b. All permit applicants shall comply with Arizona quarantine rules regulating the plants, pests, or organisms being introduced into Arizona.
3. The Department may, if it deems necessary to protect agriculture, public health, or the environment from potential adverse effects from the introduction of a specific genetically engineered organism or product:
 - a. Place restrictions on the number and location of organisms or products released, method of release, training of persons involved with the release of organisms or products, disposal of organisms or products, and other conditions of use;
 - b. Require measures to limit dispersal of released organisms or spread of inserted genes or gene products;
 - c. Require monitoring of the abundance and dispersal of the released organism or inserted genes or gene products;
 - d. Request the USDA to deny, suspend, modify, or revoke the permit for failure to comply with this rule.
 - e. Request the USDA to suspend the permit if it is determined that an adverse effect is occurring or is likely to occur because of a release authorized by such permit.
4. To the extent possible, the Department shall accept for review and base its decision on the data submitted with the federal application. However, the Department may request additional information from the applicant to assess the risks to animals and plants, including risks of vector transmissions of genetically engineered organisms or products.
5. The Associate Director shall review the application recommendations with the Director who shall, within the time period prescribed on each USDA application, approve, conditionally approve, or deny the permit.
6. The Director shall return the completed application with the resolution to USDA for final action.

Historical Note

Adopted effective November 22, 1993 (Supp. 93-4).

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TITLE 3. AGRICULTURE

CHAPTER 5. DEPARTMENT OF AGRICULTURE
STATE AGRICULTURAL LABORATORY

(Authority: A.R.S. § 3-141 et seq.)

Former Title 3, Chapter 5, Article 1, Sections R3-5-01 through R3-5-08, renumbered to Title 3, Chapter 2, Article 8, Sections R3-2-801 through R3-2-808; new Title 3, Chapter 5, Article 1, Sections R3-5-101 through R3-5-110 renumbered from Title 3, Chapter 1, Article 7, Sections R3-1-701 through R3-1-710 (Supp. 91-4).

**ARTICLE 1. SAMPLING AND LABORATORY
CERTIFICATION**

Article 1, consisting of Sections R3-5-101 through R3-5-110 renumbered from R3-1-701 through R3-1-710 (Supp. 91-4).

Title 3, Chapter 1, Article 7 consisting of Sections R3-1-201 through R3-1-210 renumbered without change as Article 7, Sections R3-1-701 through R3-1-710 (Supp. 89-1).

Title 3, Chapter 1, Article 7 consisting of Sections R3-1-201 through R3-1-210 adopted effective July 25, 1985.

Section

R3-5-101.	Definitions
R3-5-102.	Certification; Renewal; Termination
R3-5-103.	Certified Services
R3-5-104.	Fees
R3-5-105.	Laboratory Requirements
R3-5-106.	Methods of Analyzing and Testing
R3-5-107.	Check Sample Testing Program
R3-5-108.	Repealed
R3-5-109.	Repealed
R3-5-110.	Referee Laboratory
Table 1.	Time-frames

**ARTICLE 1. SAMPLING AND LABORATORY
CERTIFICATION****R3-5-101. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-101 and 3-141, the following terms apply to this Chapter:

1. "Accuracy" means the closeness of an observed measurement to the true value.
2. "Person" means an individual, partnership, corporation or other legal entity.
3. "Precision" means the agreement of repeated observations made under the same conditions.
4. "Quality assurance" means an integrated system of management activities involving planning, implementation, assessment, reporting, and quality improvement to ensure that a process, item, or service is of definable quality.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-201 renumbered without change as Section R3-5-101 (Supp. 89-1). Section R3-5-101 renumbered from R3-1-701 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-102. Certification; Renewal; Termination

A. Laboratory certification. Any person who operates a laboratory performing agricultural laboratory services pursuant to A.R.S. § 3-145 shall:

1. Provide the following information on the Application For Laboratory Certification and submit it with the appropriate fee to the State Agricultural Laboratory:
 - a. The name, business and mailing address, and telephone and facsimile numbers of the laboratory;

- b. The name, address, telephone number, social security number, and signature of the owner;
 - c. The name, address, telephone number, and signature of each person supervising the agricultural laboratory service.
2. Provide a comprehensive description of all programs, services and functions;
 3. List each service requested for certification, detailing the method or procedure used, including specific references to any publication where the method or procedure is described.
- B.** The laboratory supervisor shall notify the Assistant Director in writing within 30 days of any change in the certification, including location, laboratory supervisor owner, or other information.
- C.** If the application for certification is for a service not currently conducted by the State Agricultural Laboratory and the necessary expertise for review does not exist within the State Agricultural Laboratory, the Director shall establish a committee pursuant to A.R.S. § 3-106 to advise the Department of the proper procedures for certification in that area.
- D.** Certified sampler. Any person who collects certified samples shall provide the following information on the Sampler Certification Application and score at least 90% on a written sampling test determined by the type of sample certification requested:
1. The name and social security number of the sampler;
 2. The name, street and mailing address, and telephone and facsimile number of the applicant's employer;
 3. The name and signature of the employer;
 4. The mailing address and telephone number of the owner, if different than subsection (D)(1)(b);
 5. The date of the application;
 6. The name and signature of the applicant's supervisor or manager;
 7. The current certification number, if applicable;
 8. Whether the applicant possesses a State Agricultural Laboratory-approved embossing seal;
 9. A list of each service requested for certification.
 10. A signature affirming that the sampler will collect samples as prescribed by the State Agricultural Laboratory and affix the embossing seal on each sample collection report.
- E.** Certification renewal.

1. A laboratory owner or sampler shall file a renewal application at least 30 days before the expiration date of the current certification and provide the following information:
 - a. The name, business and mailing address, and telephone and facsimile numbers of the laboratory;
 - b. The name, address, telephone number, social security number, and signature of the owner;
 - c. The name, address, telephone number, and signature of each person supervising a certified agricultural service.

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2. An application received less than 30 days before the expiration date is untimely and the applicant shall reapply as an initial applicant.
 3. Any application received more than 60 days before the expiration date of the current certification shall be returned to the applicant for resubmittal.
 4. The current certification shall remain valid until a determination is made on the renewal application.
- F.** Certification termination. A laboratory owner or sampler may terminate the certification, either in part or in its entirety, by notifying the Assistant Director in writing within 30 days before the effective date of the termination.
- G.** Additional services. A laboratory owner may add services to the current certification by following the certification procedure in subsections (A) through (C), except that the Assistant Director may waive the on-site survey requirement.
- H.** Time-frames.
1. Overall time-frame. The State Agricultural Laboratory shall issue or deny a certification within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
 2. Administrative completeness review.
 - a. The appropriate administrative completeness review time-frame established in Table 1 begins on the date the State Agricultural Laboratory receives an application. The State Agricultural Laboratory shall notify the applicant in writing within the administrative completeness review time-frame whether the application is incomplete. The notice shall specify what information is missing. If the State Agricultural Laboratory does not provide notice to the applicant within the administrative completeness review time-frame, the application is complete.
 - b. An applicant with an incomplete certification application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the State Agricultural Laboratory mails the notice of missing information to the applicant until the date the State Agricultural Laboratory receives the information.
 - c. If the applicant fails to submit the missing information before the expiration of the completion request period, the State Agricultural Laboratory shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a certification by submitting a new application.
 - d. If a laboratory requests certification of a service not currently offered, 90 additional days shall be added to the administrative completeness review to establish a protocol for granting certification.
 3. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 - a. On-site survey.
 - i. Within 30 days of receipt of a complete application, the State Agricultural Laboratory shall schedule an on-site survey of the applicant's laboratory facilities; or
 - ii. The Assistant Director may waive the on-site survey required for a renewal applicant if the renewal applicant is in compliance with this Article.
 - b. If the State Agricultural Laboratory makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive completeness review is suspended from the date the State Agricultural Laboratory mails the request until the information is received by the State Agricultural Laboratory. If the applicant fails to provide the information identified in the written request within the response to additional information period, the State Agricultural Laboratory shall deny the license.
 - c. If the application is denied, the State Agricultural Laboratory shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-202 renumbered without change as Section R3-5-102 (Supp. 89-1). Section R3-5-102 renumbered from R3-1-702 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-103. Certified Services

- A.** In addition to certification for the services established in A.R.S. § 3-141(1), the applicant may apply for certification for any or all of the following agricultural laboratory services:
1. Determination of specific element and ion content of water for irrigation or livestock purposes;
 2. Determination of specific element and ion content of plant tissue for the evaluation of plant nutrients;
 3. Determination of specific element and ion content of soil for the evaluation of soil fertility and for element and ion content that may cause plant growth limitations;
 4. Determination of contents of processed meats and meat food products including the percentage of meat and non-meat ingredients;
 5. Verification of an analysis for the accuracy of the label guarantees of feeds, fertilizers, animal manures, plant growth stimulants, soil amendments, soil conditioners, or pesticides;
 6. Verification of planting seed germination, percentages, purity analysis or other named seed or plant propagative material testing procedures;
 7. Identification of insects, plant pathogens, animal pathogens, nematodes, or animal parasites;
 8. Testing of milk products for quality and market standards;
 9. Determination of mycotoxins, antibiotics, or drug residues in plant or animal tissue;
 10. Determination of mycotoxins, antibiotics, or drug residues in plant or animal products, animal feed or feed ingredients;
 11. Determination of specific pesticide, or hazardous or toxic elements in plant or animal tissue;
 12. Determination of specific pesticide or hazardous or toxic elements in air, water used in livestock production, irrigation water, soil, agricultural product or animal feed;
 13. Collection of samples.
- B.** An applicant may submit a written request to the State Agricultural Laboratory for a certified agricultural service not already established.

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Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-203 renumbered without change as Section R3-5-103 (Supp. 89-1). Section R3-5-103 renumbered from R3-1-703 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-104. Fees

The applicant shall provide the Department with the following fees before the certification is granted:

1. Initial fee, \$200 per certified service; or
2. Renewal fee, \$100 per certified service; and
3. Time and mileage as prescribed in A.R.S. Title 38, Chapter 4, Articles 1 and 2.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-204 renumbered without change as Section R3-5-104 (Supp. 89-1). Section R3-5-104 renumbered from R3-1-704 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-105. Laboratory Requirements

A. A laboratory certified under this Section shall maintain and update a master file for all certified agricultural laboratory services. The master file shall contain:

1. A letter of certification stating the period of validity;
2. A quality assurance manual, and all updates, approved by the Assistant Director;
3. Documentation of competence and experience in testing for the service requested;
4. Documentation that establishes the laboratory personnel's capabilities;
5. Documentation for working knowledge of the applicable test standards and methods for approval of the service and the testing analyses for each service;
6. A written standard operating procedure for testing when required and approved by the Assistant Director;
7. Reports of all sample results for the last 3 years and all data generated during the testing.
8. Laboratory equipment lists, including:
 - a. The type and manufacturer;
 - b. The serial and model number; and
 - c. The date of the last calibration, if applicable.
9. Receiving and shipping records of all samples and supplies relating to the certification;
10. Quality control documentation;
12. Calibration certificates; and
13. All correspondence relating to the certification and operation of the program.

B. The testing laboratory shall maintain and update a quality assurance manual that describes actions taken by the laboratory to ensure that routinely generated analytical data are scientifically valid and defensible and are of known and acceptable precision and accuracy. The manual shall contain:

1. A description of the management and responsibilities of personnel related to the certification that includes:
 - a. The legal name, address, and telephone number of the main office or parent company;
 - b. The name, location of the laboratory, and telephone number, if different from subsection (B)(1)(a);
 - c. An organization outline or chart showing the titles or positions of all personnel relating to the certification and their reporting relationships relative to a certification request, including relationship between administration, operation, and quality control;

- d. The names and resumes of the individuals assigned to each of the positions identified in subsection (B)(1)(c), or the personnel requirements for the individuals employed in those positions;
 - e. Verification that personnel have a working knowledge of the applicable test standards and test methods, and are qualified by education, training, or experience to conduct tests and analyze data to ensure the accuracy, performance, and timeliness of testing and follow-up inspections.
2. A description of the receiving, handling, and shipping controls that includes:
 - a. The visual examination of samples, upon receipt, for evidence of shipping damage;
 - b. The storage of items, while awaiting disposition, regarding the safety of personnel and the degree of protection to preclude the possibility of damage to the shipment; and
 - c. The shipping and receiving data containing the date of receipt, the name of the manufacturer, and any other data necessary to accurately record and identify samples at the laboratory.
 3. A description of testing information that includes a written list of test procedures as prescribed in R3-5-106. A test procedure shall, when applicable, contain:
 - a. The nomenclature and identification of the sample;
 - b. Detailed steps and operations in sequence, including verifications made before each stage of testing;
 - c. Values for acceptance or rejection of analytical results based on permissible analytical variations;
 - d. A list of measuring equipment, specifying range, type, accuracy, and the name of the test;
 - e. An identification of any hazardous situations or operations;
 - f. A list of the precautions taken to ensure safety of personnel, and to prevent damage to test items and measuring equipment;
 - g. Test environments, conditions, and tolerances;
 - h. Special instructions for inspection or testing, such as special handling of fragile test items;
 - i. The nomenclature and designation of an applicable reference standard on which the test procedure is based;
 - j. Quality control measures for precision and accuracy using appropriate spikes, blanks, multiple sample analysis, or standard reference material controls to assure validity of test results.
 4. Reference standards documenting that:
 - a. The accuracy of all measurement chemical standards are traceable to primary standards;
 - b. The biological specimens are verified by the Assistant Director or the Assistant Director's designee.
 5. A description of an equipment maintenance program that includes:
 - a. Manufacturer's recommendations for the set-up and normal operation of each instrument and, if appropriate, the specific instructions for periodic checking of the reproducibility of the system;
 - b. Quality control procedures for determining instrument performance;
 - c. Monitoring of temperature-controlled spaces;
 - d. Certification that thermometers and analytical balances meet federal standards, if applicable;
 - e. Calibration of glassware and volumetric equipment.
- C.** The testing laboratory is responsible for the accurate calibration of testing equipment.

- D.** The testing laboratory shall maintain records for 5 years, except pesticide residue sample results and data, which shall be 7 years;
- E.** The construction and operation of the laboratory shall comply with the standards established by the Occupational Safety and Health Administration and any other applicable federal, state, county and municipal building, sanitary, safety, electrical, and fire codes for the area in which the laboratory is located. The laboratory shall comply with the disposal of hazardous waste materials established in Identification and Listing of Hazardous Waste, 40 CFR 261, amended August 12, 1997, and Standards Applicable to Generators of Hazardous Waste 40 CFR 262, amended August 12, 1997. This material is incorporated by reference, on file with the Office of the Secretary of State, and does not include any later amendments or editions of the incorporated matter.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-205 renumbered without change as Section R3-5-105 (Supp. 89-1). Section R3-5-105 renumbered from R3-1-705 (Supp. 91-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-106. Methods of Analyzing and Testing

A laboratory shall, when complying with this Article:

1. Use the methods and procedures for analyzing and testing which are referenced in professional journals or manuals and obtain the approval of the Assistant Director, or
2. Use the methods and procedures established by the State Agricultural Laboratory.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-206 renumbered without change as Section R3-5-106 (Supp. 89-1). Section R3-5-106 renumbered from R3-1-706 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-107. Check Sample Testing Program

- A.** A laboratory applying for certification shall participate in a check sample program approved by the Assistant Director to demonstrate its ability to provide those services for which certification is requested.
- B.** Individual laboratory evaluation shall be based on the results obtained for each check sample in relationship to results, grouped by methods, received from all laboratories participating in that check sample program. If a deficiency is noted during an on-site evaluation or in the examination of split-

samples, the applying laboratory shall submit a plan of corrective action plan designated to eliminate the deficiency. The applying laboratory shall provide the Assistant Director with its identification number and a copy of the results for all analysis submitted to the check sample program.

- C.** The applying laboratory shall bear the costs of all analyses performed and the cost of all subsequent check samples, including the cost of any check sample service used to determine proficiency.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-207 renumbered without change as Section R3-5-107 (Supp. 89-1). Section R3-5-107 renumbered from R3-1-707 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-108. Repealed**Historical Note**

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-208 renumbered without change as Section R3-5-108 (Supp. 89-1). Section R3-5-108 renumbered from R3-1-708 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-109. Repealed**Historical Note**

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-209 renumbered without change as Section R3-5-109 (Supp. 89-1). Section R3-5-109 renumbered from R3-1-709 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-110. Referee Laboratory

If 2 certified laboratories have differing testing results or if the results of a certified laboratory are challenged by the contracting agency or other state agency, the Director may designate a laboratory to serve as a referee to assist in making a determination. In the case of a challenge of test results, all costs incurred by the referee laboratory shall be borne by the party losing the dispute.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-210 renumbered without change as Section R3-5-110 (Supp. 89-1). Section R3-5-110 renumbered from R3-1-710 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

Table 1. Time-frames (Calendar Days)

Certification	Authority	Administrative Completeness Review	Response to Completion Period	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Laboratory Certification	A.R.S. § 3-145 R3-5-102					
• New		14	30	60	90	74
• Renewal		14	7	30	14	44
• Certification request for service not currently offered		14	30	60	90	74
Sampler Certification	A.R.S. § 3-145 R3-5-102	14	30	90	90	104

Historical Note

Table 1 adopted by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

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CHAPTER 6. RESERVED

Former Title 3, Chapter 6, Article 1, Sections R3-6-101 through R3-6-109, renumbered to Title 3, Chapter 2, Article 9, Sections R3-2-901 through R3-2-909 (Supp. 91-4).

Department of Agriculture - Reserved

TITLE 3. AGRICULTURE

CHAPTER 7. RESERVED

Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108 renumbered to Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708; Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 renumbered to Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 (Supp. 91-4).

Department of Agriculture - Reserved

TITLE 3. AGRICULTURE

CHAPTER 8. RESERVED

Title 3, Chapter 8, Article 2, Sections R3-8-201 through R3-8-208 renumbered to Title 3, Chapter 3, Article 10, Sections R3-3-1001 through R3-3-1008 (Supp. 91-4).

Agricultural Councils

TITLE 3. AGRICULTURE

CHAPTER 9. AGRICULTURAL COUNCILS

Former Title 3, Chapter 9, Articles 1 through 7, Sections 3-9-101 through R3-9-703, renumbered to Title 3, Chapter 2, Articles 1 through 7, Sections 3-2-101 through R3-2-703 (Supp. 91-4).

ARTICLE 1. RESERVED**ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL**

(Authority: A.R.S. § 3-581 et seq.)

Article 2, consisting of Section R3-9-201, renumbered from Title 3, Chapter 13, Article 2, Section R3-13-201 (Supp. 91-4).

Section

R3-9-201. Fees - Grain Assessment and Refund

ARTICLE 3. COTTON RESEARCH AND PROTECTION COUNCIL

(Authority: A.R.S. § 3-1083)

Article 3, consisting of Section R3-9-301, renumbered from Title 3, Chapter 12, Article 2, Section R3-12-201 (Supp. 91-4).

Section

R3-9-301. Fees - Ginning and Remittance Forms

ARTICLE 1. RESERVED**ARTICLE 2. ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL****R3-9-201. Fees - Grain Assessment and Refund**

- A.** The fee payable to the Arizona Grain Research and Promotion Council for each hundredweight of grain sold in Arizona shall be at the rate of 2¢ per hundredweight as provided in A.R.S. § 3-587.
- B.** The first buyer shall remit the fee to the Arizona Department of Agriculture Phoenix Office. The first buyer shall include with the fee the End of Month First Buyer and Remittance Report Form, approved by the Arizona Grain Research and Promotion Council, amended February 9, 1993. The form, which is incorporated herein by reference, does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State or may be obtained from the Arizona Department of Agriculture Phoenix Office. The form shall be signed by the first buyer or by a person who the first buyer has designated in a document filed with the Department.
- C.** To request a refund, a producer shall submit a notarized Refund Request Form to the Arizona Department of Agriculture Phoenix Office. This form, approved by the Council and amended February 9, 1993, is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter. The form is on file with the Office of the Secretary of State or may be obtained from the Arizona Department of Agriculture Phoenix Office. The refund request shall be accompanied by a notarized purchase statement which has been signed by the first buyer or by a person who the first buyer has designated in a document filed with the Department.

Historical Note

Adopted effective August 28, 1986 (Supp. 86-4). Section R3-9-201 renumbered from R3-13-201 (Supp. 91-4). Amended effective December 22, 1993 (Supp. 93-4).

ARTICLE 3. COTTON RESEARCH AND PROTECTION COUNCIL**R3-9-301. Fees - Ginning and Remittance Forms**

Report forms approved by the Arizona Cotton Research and Protection Council shall be completed by each gin operator who has ginned for Arizona producers during the current crop year and shall be submitted with fees, if applicable, to the Arizona Department of Agriculture within the times specified below. Report forms requiring disclosure of specified information are as follows:

1. On or before February 15th of each year, the gin operator shall submit a report to the Department for each bale of cotton ginned pursuant to A.R.S. § 3-1086(B). The report shall include the following:
 - a. The name of the reporting gin;
 - b. The business mailing address and telephone number of the reporting gin;
 - c. The authorized agent for the gin;
 - d. The months reported and the crop year;
 - e. The Agricultural Stabilization and Conservation Service farm number;
 - f. The name and mailing address of each crop producer;
 - g. The number of bales ginned from cotton grown at a location below 2,700 feet;
 - h. The number of bales ginned from cotton grown at a location above 2,700 feet;
 - i. Whether the cotton is long or short staple.
2. In addition to the information set forth in subparagraphs (1)(a) through (1)(d), the gin operator shall submit a report to the Department within 30 days from the time the cotton was ginned, indicating any ginning performed after February 15 and through June 1.

Historical Note

Adopted as an emergency effective September 10, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Adopted as a permanent rule effective March 7, 1985 (Supp. 85-2). Amended subsection (A) as an emergency effective November 5, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-6). Amended subsection (A) as permanent action effective February 5, 1986 (Supp. 86-1). Amended subsection (A) effective September 24, 1986 (Supp. 86-5). Former Section R3-12-201 repealed and a new Section R3-12-201 adopted effective December 2, 1987 (Supp. 87-4). Section 3-9-301 renumbered from R3-12-201 (Supp. 91-4). Section repealed, new Section adopted effective April 4, 1994 (Supp. 94-2).

TITLE 3. AGRICULTURE**CHAPTER 10. RESERVED**

New Sections R3-10-101, R3-10-201 through R3-10-212, R3-10-301 through R3-10-306, R3-10-308 through R3-10-312, R3-10-401 through R3-10-403, R3-10-501 through R3-10-505, and R3-10-601 through R3-10-617 adopted effective November 20, 1987.

Former Sections R3-10-01, R3-10-03, R3-10-20 through R3-10-25, R3-10-40 through R3-10-42, R3-10-42.01, R3-10-43 through R3-10-62, R3-10-64 through R3-10-66, R3-10-70, R3-10-71, R3-10-73 through R3-10-75, R3-10-77 through R3-10-87, R3-10-89, and R3-10-91 repealed effective November 20, 1987.

Veterinary Medical Examining Board

TITLE 3. AGRICULTURE

CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

(Authority: A.R.S. § 32-2201 et seq.)

Editor's Note: This Chapter contains rules which were adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6, Articles 2, 3, 4, and 5) as specified in Laws 1989, Ch. 223, § 13. Exemption from A.R.S. Title 41, Chapter 6 means that the Veterinary Medical Examining Board did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Veterinary Medical Examining Board did not submit these rules to the Governor's Regulatory Review Council; the Veterinary Medical Examining Board was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is being printed on blue paper. The rules affected by this exemption appear throughout this Chapter.

ARTICLE 1. GENERAL PROVISIONS

Section

- R3-11-101. Definitions
- R3-11-102. Board Meetings
- R3-11-103. Renewal of Veterinary License
- R3-11-104. Premise license
- R3-11-105. Fees
- R3-11-106. Reserved
- R3-11-107. Registering with Board
- R3-11-108. Time-frames for Licensure, Certification, and Permit Approvals

Table 1. Time-frames (in days)

ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE

Section

- R3-11-201. Application for a Veterinary Medical License
- R3-11-202. Time, Place and Date of Examinations
- R3-11-203. Information Required for Examination Qualification

ARTICLE 3. TEMPORARY PERMITTEES

Section

- R3-11-301. Application for a Temporary Permit
- R3-11-302. Termination of Employment
- R3-11-303. Multiple employment
- R3-11-304. Extension of temporary permits
- R3-11-305. "Good and sufficient reason" for Failure to Take Examination

ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS

Section

- R3-11-401. Continuing education
- R3-11-402. Approval of courses
- R3-11-403. Documentation of Attendance
- R3-11-404. Credit hours
- R3-11-405. Waiver

ARTICLE 5. PROFESSIONAL ETHICS AND STANDARDS

Section

- R3-11-501. Established standards of ethics
- R3-11-502. Standards of Practice
- R3-11-503. Established standards of veterinary medical record keeping

ARTICLE 6. VETERINARY TECHNICIANS

Section

- R3-11-601. Definition
- R3-11-602. Direction, Supervision and Control
- R3-11-603. Examination committee
- R3-11-604. Examinations
- R3-11-605. Veterinary Technicians Services
- R3-11-606. Application for a Veterinary Technician Certificate

- R3-11-607. Renewal of Veterinary Technician Certificates

ARTICLE 7. VETERINARY MEDICAL PREMISES

Section

- R3-11-701. Building and Grounds Standards
- R3-11-702. Standards for Veterinary Premises
- R3-11-703. Equipment Standards
- R3-11-704. Housekeeping Standards
- R3-11-705. Mobile Clinics
- R3-11-706. Mobile Units
- R3-11-707. Application for a Veterinary Medical Premises License

ARTICLE 8. DRUG DISPENSING

Section

- R3-11-801. Notification That Drugs May Be Available At A Pharmacy
- R3-11-802. Labeling Requirements

ARTICLE 1. GENERAL PROVISIONS

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-101. Definitions

- A. "Direct and personal instruction, control, or supervision", pursuant to A.R.S. § 32-2211(4), pertaining to veterinary students, shall mean on-the-premise instruction, control, or supervision.
- B. Recognized veterinary colleges. The qualification requirements of A.R.S. §§ 32-2215(A)(2) and 32-2216(A) and that part of the definition of "Veterinary College" pursuant to A.R.S. § 32-2201(15) which requires conformity to the standards required for accreditation by the American Veterinary Medical Association, shall mean:
 1. Actual accreditation by the American Veterinary Medical Association of the college of veterinary medicine from which the applicant received the degree, or
 2. If the American Veterinary Medical Association had not accredited the college of veterinary medicine at the time the applicant graduated, that the standards of the applicant's college of veterinary medicine conformed to those standards required by American Veterinary Medical Association for accreditation in the year in which the applicant received that degree. In all instances, the burden of showing such conformity shall lie with the applicant.
- C. A "mobile clinic" is a self-contained trailer, van or mobile home not attached to the ground designed to function as a clinic.

- D. A "mobile unit" is a vehicle from which out-patient veterinary services are delivered to temporary sites and which is not designed to function as a self-contained clinic.
- E. "Prescription-only drug" means any drug, other than a controlled substance, required by the federal act to bear on its label the legend "Caution: Federal Law Prohibits Dispensing Without Prescription".
- F. "Over-the-counter drug" means a drug that does not bear on its label the legend "Caution: Federal Law Prohibits Dispensing Without Prescription".
- G. "Direction, supervision, and control" pertaining to veterinary technicians, for the purposes of A.R.S. § 32-2241, shall mean that degree of control by the veterinarian having actual charge of the case or animal which will ensure that the activities of the veterinary technician are within the scope of the orders, assignments, or prescriptions of the veterinarian.
- C. All licenses must meet the continuing education requirements of Article 4 of these rules as a condition of renewal of their licenses.
- D. Failure to submit the appropriate license renewal fee or an affidavit of attendance in continuing education programs or courses prior to February 1 of every odd-numbered year shall result in automatic forfeiture of all privileges and rights extended by said license and licensee must immediately cease and desist from engaging further in the practice of veterinary medicine until compliance with the provisions of A.R.S. § 32-2218 and Article 4 of the rules has been fully met.
- E. Continued veterinary practice by a licensee whose license has been forfeited for failure to renew or affirm attendance in continuing education programs or courses shall constitute "probable cause" of criminal violations of A.R.S. § 32-2238(A)(4) for purposes of referral to the office of the county attorney or the office of the Attorney General for criminal prosecution, injunctive relief or any other action warranted under the circumstances.

Historical Note

Former Rule 2; Former Section R3-11-02 repealed, new Section R3-11-02 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-02 renumbered as Section R3-11-102 and amended by adding subsections (C) and (D) effective February 24, 1988 (Supp. 88-1). Former Section R3-11-101 renumbered to R3-11-102, new Section R3-11-101 renumbered from R3-11-102 and amended effective August 31, 1995 (Supp. 95-3).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-102. Board Meetings

- A. The annual meeting of the Board shall be held in June of each year.
- B. The date, time, and place of the annual meeting of the Board shall be made available to the public at the office of the state Veterinary Medical Examining Board at least 20 days prior to the meeting. All special meetings of the Board, shall be set at the direction of the Chairman, who shall instruct the Executive Director of the Board to notify each Board member of the meeting date, time, and place at least five days prior to the meeting.

Historical Note

Former Rule 1; Former Section R3-11-01 repealed, new Section R3-11-01 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-01 renumbered without change as Section R3-11-101 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-102 renumbered to R3-11-101, new Section R3-11-102 renumbered from R3-11-101 and amended effective August 31, 1995 (Supp. 95-3).

R3-11-103. Renewal of Veterinary License

- A. Pursuant to A.R.S. § 32-2218, all licenses issued under the provisions of Chapter 21, Title 32, Arizona Revised Statutes shall expire on December 31 of every even-numbered year unless renewed.
- B. All licenses shall submit renewal fees and up-to-date information concerning current practice status, location of practice, correct home and business mailing addresses prior to February 1, of every odd-numbered year on a renewal application form provided and mailed to all licensees by the Board.

Historical Note

Former Rule 3; Former Section R3-11-03 repealed, new Section R3-11-03 adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-03 repealed, new Section R3-11-03 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-03 renumbered without change as Section R3-11-103 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-104. Premise license

The veterinary medical premise license shall be maintained in the premise for which it is issued.

Historical Note

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-04 amended and renumbered as Section R3-11-104 effective February 24, 1988 (Supp. 88-1).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently amended under the regular rulemaking process.

R3-11-105. Fees

- A. Veterinarian fees are as follows:
 1. Regular license application and state examination \$400.00
 2. Specialty or endorsement application and state examination \$750.00
 3. National board examination, application only \$225.00
 4. Clinical competency test, application only \$200.00
 5. Regular license application, national board examination, clinical competency examination application, and state examination \$400.00
 6. License issued in odd-numbered year \$200.00
 7. License issued in even-numbered year \$100.00
 8. License renewal \$350.00
 9. Reinstatement penalty \$50.00
 10. Duplicate license \$25.00
 11. Temporary permit \$75.00
 12. Verification licensure fee \$15.00

Veterinary Medical Examining Board

B. Veterinary technician fees are as follows:

- | | |
|---|----------|
| 1. Application and examination | \$150.00 |
| 2. Certificate issued in odd-numbered year | \$30.00 |
| 3. Certificate issued in even-numbered year | \$15.00 |
| 4. Certificate renewal | \$50.00 |
| 5. Delinquency penalty | \$25.00 |
| 6. Duplicate certificate | \$20.00 |

C. Veterinary premises fees are as follows:

- | | |
|---|----------|
| 1. License issued in odd-numbered year | \$100.00 |
| 2. License issued in even-numbered year | \$50.00 |
| 3. License renewal | \$75.00 |
| 4. Duplicate license | \$20.00 |

D. Fees for the duplication or copying of public records under A.R.S. § 39-121.03 are nonrefundable and are as follows:

- | | | |
|--|---|----------|
| 1. Noncommercial and commercial copy | \$.25 | per page |
| 2. Copying requiring more than 15 minutes | \$5.00 for each 15-minute interval exceeding 15 minutes | |
| 3. Directories for noncommercial use | \$.05 per name and address | |
| 4. Directories for noncommercial use printed on labels | \$.10 per name and address | |
| 5. Directories for commercial use | \$.25 per name and address | |
| 6. Directories for commercial use printed on labels | \$.30 per name and address | |
| 7. A directory in (3), (4), (5), or (6) issued on a diskette | \$5.00 and the applicable name and address fee | |

E. During the pendency of a complaint, the Board shall not charge the veterinarian who is the subject of the complaint or the individual who has filed the complaint, for duplication of public records regarding the complaint.**F.** The Board shall charge \$5.00 per copy of the veterinary statutes and rules. A licensee may obtain 1 free copy of the veterinary statutes and rules each renewal period.**G.** The Board shall charge \$10.00 for each audio tape recording.**H.** The Board shall waive any of the charges in subsection (D) for charitable organizations and government entities.**Historical Note**

Former Rule 4; Former Section R3-11-04 repealed, new Section R3-11-04 adopted effective March 23, 1979 (Supp. 79-2). Amended effective February 12, 1980 (Supp. 80-1). Former Section R3-11-04 repealed, new Section R3-11-04 adopted effective Amended effective February 24, 1988 (Supp. 88-1). November 18, 1982 (Supp. 82-6). Renumbered as Section R3-11-05 effective April 26, 1984 (Supp. 84-2). Amended effective November 27, 1984 (Supp. 84-6). Former Section R3-11-05 amended and renumbered as Section R3-11-105 effective February 24, 1988 (Supp. 88-1). Amended subsection (B)(1) effective May 15, 1989 (Supp. 89-2). Amended effective August 31, 1995 (Supp. 95-3). Amended effective December 11, 1998 (Supp. 98-4).

R3-11-106. Reserved**R3-11-107. Registering with Board**

Within 20 days after the issuance of a license, the licensee shall provide written notice to the Board of all residence and practice addresses. Thereafter, the licensee shall provide written notice to the Board within 20 days of any change of residence or practice addresses.

Historical Note

Section R3-11-07 adopted and renumbered as Section R3-11-107 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-108. Time-frames for Licensure, Certification, and Permit Approvals**A.** In addition to the definitions in R3-11-101, the following definitions apply to this Chapter unless otherwise specified:

1. "Administrative completeness review" means the Board's process for determining that an individual has provided all of the information and documents required by A.R.S. §§ 32-2201 through 32-2281 and this Chapter for an application.
2. "Applicant" means an individual requesting a certificate, permit, or license from the Board.
3. "Application packet" means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
4. "Days" means calendar days.

B. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.**C.** The administrative completeness review time-frame described in A.R.S. § 41-1072 (1) for each type of approval granted by the Board is set forth in Table 1.

1. The administrative completeness review time-frame begins:
 - a. For approval to take a state, national, or clinical competency veterinary examination or veterinary technician examination, when the Board receives an application packet;
 - b. For approval or denial of a temporary permit, when the Board receives an application packet;
 - c. For approval or denial of a veterinary medical license when the applicant takes a state, national, or clinical competency veterinary examination required by A.R.S. § 32-2214;
 - d. For approval or denial of a veterinary technician certificate, when the applicant takes a veterinary technician examination required in A.R.S. § 32-2243; or
 - e. For approval or denial of a veterinary medical premises license, when the Board receives an application packet.
2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.

D. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of administrative completeness.

1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the

Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.

2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through 32-2281 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2201 through § 32-2281 and this Chapter.

- E. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
 1. Supply the missing information under subsection (C)(2) or (D)(1); or
 2. Take the dispensing opticians examination.
- F. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- G. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.

Historical Note

Adopted effective December 11, 1998 (Supp. 98-4).

Table 1. Time-frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Veterinary Medical License by Examination (R3-11-201)	Approval to Take a National and Clinical Competency Examination	A.R.S. § 32-2214	60	15	45
Veterinary Medical License by Examination, Endorsement, or for a Specialty License (R3-11-201)	Approval to Take a State Examination	A.R.S. § 32-2214	60	15	45
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-201 & R3-11-301)	Veterinary License	A.R.S. § 32-2212 A.R.S. § 32-2213	60	15	45
Veterinary Technician (R3-11-606)	Approval to Take a Veterinary Technician Examination	A.R.S. § 32-2243	60	15	45
Veterinary Technician (R3-11-606)	Veterinary Technician Certificate	A.R.S. § 32-2242 A.R.S. § 32-2244	60	30	30
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License	A.R.S. § 2271 A.R.S. § 32-2272	90	30	60

Historical Note

Adopted effective December 11, 1998 (Supp. 98-4).

ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently repealed and new Section adopted under the regular rulemaking process.

R3-11-201. Application For a Veterinary Medical License

- A. An applicant for a veterinary medical license shall submit an application packet to the Board that contains:

1. A notarized application form signed by the applicant that contains the information set forth in A.R.S. § 32-2213;
2. The documents required in R3-11-203; and
3. The applicable fees, payable by certified check or money order:
 - a. If applying for a regular license, the applicant shall submit the application and examination fee required in R3-11-105.
 - b. If applying for a license by endorsement under A.R.S. § 32-2215 (C) or a specialty license under A.R.S. § 2215(D), the applicant shall submit the application and examination fee, and the license issuance fee required in R3-11-105.
- B. Unless waived by A.R.S. § 32-2215(D), an applicant shall arrange to have an official transcript of the applicant's scores from the national board examination and clinical competency examination sent directly to the Board office by the professional examination service preparing the examination.

- C. If an applicant has passed the national and clinical competency examinations and is required to take only the state examination, the applicant shall submit the application no later than 30 days before the date the applicant intends to take the state examination.
- D. If an applicant is required to take the national, clinical competency, and state examinations, the applicant shall submit the application no later than 60 days before the date the applicant intends to take the examinations.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-20 renumbered without change as Section R3-11-201 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-202. Time, Place, and Date of Examinations

- A. Examinations of applicants for licensure as veterinarians in Arizona shall be held semi-annually at a time, place, and date to be provided in writing to all applicants that have been accepted and paid their fees not less than 20 days before the examination.
- B. All applications for the state examination shall be received in the office of the Board no later than seven days prior to the scheduled examination date and shall be accompanied by the examination fees. The fees shall be submitted only by certified check or money order.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-21 amended and renumbered as Section R3-11-202 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-203. Information Required for Examination Qualification

- A. An applicant who is a veterinary student at the time of application shall submit with the application a letter from the office of the dean of the veterinary college stating that the applicant is expected to graduate within 45 days following the scheduled board examination. An applicant who is not a veterinary student at the time of application shall cause a transcript verifying receipt of the degree of doctor of veterinary medicine to be mailed from the college directly to the Board.
- B. At the time of application, the applicant shall cause letters of character reference to be sent directly to the Board by three persons who are not related to the applicant and who have known the applicant for at least three years.
- C. At the time of application, an applicant who has experience in the field of veterinary medicine as a practicing veterinarian or as an employee of a licensed veterinarian shall cause a letter from a veterinarian or colleague indicating the professional qualifications and character of the applicant to be sent directly to the Board.
- D. Any applicant who has been or is at the time of application a licensed veterinarian in another state shall cause each state board that has licensed the applicant to send directly to the Arizona Board a letter indicating the applicant's standing,

including whether the applicant is currently under investigation or ever has been disciplined for violation of a veterinary medical practice act.

- E. An applicant who has successfully passed the National Board Examination and the Clinical Competency Test within five calendar years preceding application for examination in Arizona shall request that a transcript of the scores be forwarded to the Board directly from the Professional Examination Service.
- F. At the time of application, an applicant shall submit to the Board a photograph of the applicant that was taken during the preceding six months.
- G. At the time of application, an applicant shall submit to the Board a typewritten letter or resume summarizing the applicant's experience and qualifications.

Historical Note

Adopted effective August 31, 1995 (Supp. 95-3).

ARTICLE 3. TEMPORARY PERMITTEES

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently repealed and new Section adopted under the regular rulemaking process.

R3-11-301. Application For a Temporary Permit

- A. An applicant for a temporary permit shall:
 1. Submit an application to the Board for licensure as required in R3-11-201(A)(1);
 2. Submit the application and examination fee and temporary permit fee, payable by certified check or money order, required in R3-11-105 to the Board;
 3. Schedule a date to take the state examination with the Board;
 4. After complying with subsections (A)(1) through (3), submit all of the following to the Board:
 - a. A written request for a temporary permit, signed by the applicant, that states:
 - i. The name and business address of the licensed veterinarian who will employ the applicant; and
 - ii. The name of each licensed veterinarian who will provide direction, supervision, and control of the applicant;
 - b. Written documentation of graduation from a veterinary college; and
 - c. A sworn affidavit, signed by the applicant, stating the applicant:
 - i. Has graduated from a veterinary college;
 - ii. Has read and understands A.R.S. § 32-2216 and R3-11-301;
 - iii. Agrees to work under the direction, supervision, and control of the licensed veterinarian employing the applicant; and
 - iv. Agrees to notify the Board in writing within 10 days from the date of termination of employment.
- B. A licensed veterinarian employing an applicant for a temporary permit shall submit to the Board:
 1. A letter detailing:
 - a. The type of work to be conducted by the applicant;

- b. The name of each licensed veterinarian who will assume direction, supervision, and control when the employing veterinarian is absent; and
 - c. The procedures, including frequency, for reviewing medical treatment and records of medical treatment of animals;
2. A sworn affidavit, signed by the veterinarian, stating the veterinarian:
 - a. Is currently practicing veterinary medicine in Arizona;
 - b. Has read and understands A.R.S. § 32-2216 and A.A.C. R3-11-301;
 - c. Accepts full responsibility for providing direction, supervision, and control to the applicant; and
 - d. Agrees to notify the Board in writing within 10 days from the date of termination of applicant's employment.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-30 renumbered without change as Section R3-11-301 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

R3-11-302. Termination of Employment

A temporary permittee and the permittee's employer shall immediately notify the Board any time the permit holder ceases employment by a veterinarian who is providing "direct and personal instruction, control, or supervision".

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-31 renumbered without change as Section R3-11-302 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-303. Multiple employment

A temporary permittee who is working under the "direct and personal instruction, control or supervision" of more than one licensed veterinarian shall immediately notify the Board of each supervising veterinarian.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-32 renumbered without change as Section R3-11-303 effective February 24, 1988 (Supp. 88-1).

R3-11-304. Extension of temporary permits

Pursuant to the provisions of A.R.S. § 32-2216(B), and its requirements, a temporary permit may only be extended if the permittee has applied for, is qualified, and is accepted to take the next scheduled Board examination.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-33 renumbered without change as Section R3-11-304 effective February 24, 1988 (Supp. 88-1).

R3-11-305. "Good and Sufficient Reason" for Failure to Take Examination

For purposes of A.R.S. § 32-2216(B), a temporary permittee shall be deemed to have "good and sufficient reason" for failing to take the examination for which scheduled if the Board finds that such failure was due to:

1. Illness or disability,
2. Military service,
3. Other circumstances demonstrated to have been beyond the control of the licensee.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-34 renumbered without change as Section R3-11-305 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**R3-11-401. Continuing education**

- A. During the two-year period preceding license expiration, each applicant for license renewal shall have completed 20 credit hours of Board approved courses or programs relating to the practice of veterinary medicine. A maximum of two hours may be in practice management and no more than five hours may be noncontact education, of which two hours may be by tapes.
- B. Licensees receiving an initial license in an even-numbered year are required to earn ten credit hours of continuing education prior to their initial renewal date. Thereafter, they are subject to the requirements of subsection (A) of this rule.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-40 repealed, new Section R3-11-40 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-40 renumbered as Section R3-11-401 and subsection (A) amended effective February 24, 1988 (Supp. 88-1).

R3-11-402. Approval of courses

- A. The subject matter of courses or programs intended to meet continuing education requirements shall be within those subjects which are standardly taught in veterinary colleges and other related subjects approved by the Board.
- B. The Board may approve those courses for continuing education which are taught by veterinary colleges or that are sponsored by the continuing education departments of veterinary colleges.
- C. The Board may approve courses in veterinary education which are sponsored by the AVMA or the Arizona Veterinary Medical Association, or other state or national veterinary associations or academies as approved by the Board.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-41 renumbered without change as Section R3-11-402 effective February 24, 1988 (Supp. 88-1).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-403. Documentation of Attendance

- A. Subject to the exception of R3-11-401(B) and (C), each application for renewal shall be accompanied by a list of courses and a notarized affidavit of attendance of 20 credit hours of Board-approved courses and programs in continuing education.
- B. Any material false statement in this affidavit shall be grounds for taking disciplinary action against a veterinary license under the provisions of A.R.S. §§ 32-2233(A)(1), 32-2232(12), 32-2232(14), and 32-2234, or refusal to renew a license under the provisions of A.R.S. § 32-2236.

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Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-42 repealed, new Section R3-11-42 adopted effective November 18, 1982 (Supp. 82-6). Former Section R3-11-42 renumbered without change as Section R3-11-403 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-404. Credit hours

One hour of credit will be allowed for each hour of participation in any program or course approved pursuant to R3-11-402.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-43 renumbered without change as Section R3-11-404 effective February 24, 1988 (Supp. 88-1).

R3-11-405. Waiver

If, upon application for waiver, the Board finds that the failure of the licensee to obtain the required continuing education credit hours was due to the licensee's disability, military service or absence from the United States, or was due to other circumstances beyond the control of the licensee which are deemed good and sufficient by the Board, then, upon notation of such findings in the records of the Board, the requirements shall be waived for that renewal only.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Amended effective November 18, 1982 (Supp. 82-6). Former Section R3-11-44 renumbered without change as Section R3-11-405 effective February 24, 1988 (Supp. 88-1).

ARTICLE 5. PROFESSIONAL ETHICS AND STANDARDS**R3-11-501. Established standards of ethics**

Pursuant to the provisions of A.R.S. § 32-2232.A.12, all veterinarians practicing under a license or permit shall be required to practice in accordance with the standards of professional ethics as herein established. The breach of any of the following standards shall constitute grounds for taking disciplinary action against a veterinary license or permit pursuant to A.R.S. §§ 32-2233 and 32-2234.

1. All licensees and permittees shall conform to the standards of ethics as set forth in the constitution, bylaws and code of ethics of the AVMA and the Arizona Veterinary Medical Association in existence as of the final adoption of this rule.
2. A veterinarian who accepts an animal as a patient is responsible for the welfare of said patient unless released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the owner.
3. The records or copies thereof of any patient treated by a veterinarian shall be available upon request of the owner to any other veterinarian who assumes treatment of that patient.
4. It shall be considered unethical to knowingly make false statements on, or to alter with intent to deceive, any document, record or report concerning treatment of a patient.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Amended effective November 18, 1982 (Supp. 82-6). Former Section R3-11-50 renumbered without change as Section R3-11-501 effective February 24, 1988 (Supp. 88-1).

R3-11-502. Discharge of Patients

Upon discharge or completion of treatment of any patient, the veterinarian shall give the owner or responsible person instructions

concerning further care or treatment and further examination of the patient.

Historical Note

Adopted effective February 24, 1988 (Supp. 88-1). Section R3-11-51 adopted and renumbered as Section R3-11-502 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-503. Established standards of veterinary medical record keeping

- A. Patient medical records must be maintained for every animal accepted and treated as an individual patient by a veterinarian, and for every animal group (e.g., herd, litter, flock) treated by a veterinarian. These records must be maintained and stored in an orderly manner lending itself to immediate retrieval.
- B. The following data must be clearly noted:
 1. Name, address and phone number of owner or agent.
 2. Description, sex (if readily determinable), breed and age of animal; or description of group.
 3. Date animal or group was seen, admitted, discharged.
 4. Results of examination, condition, diagnosis suspected.
 5. All medication, treatment, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care.
 6. Diagnostic and laboratory tests or techniques utilized, and results of each.
- C. Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment he or she has performed, or which he or she has directed a technician or assistant to perform.
- D. All radiographs must be permanently labeled to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation.
- E. Medical records of both individual and group patients shall be maintained for a minimum of three years after the last visit.

Historical Note

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-52 renumbered as Section R3-11-503 and subsections (B) and (D) amended effective February 24, 1988 (Supp. 88-1).

ARTICLE 6. VETERINARY TECHNICIANS**R3-11-601. Definition**

For the purposes of this Article "veterinary technician" means a person who:

1. Is employed by and works under the direction, supervision, and control of an Arizona licensed veterinarian;
2. Performs acts requiring judgment based on education or experience, knowledge, and application of the principles of animal technology in the care or maintenance of the health or the prevention of illness of animals;
3. Has passed a national and a state veterinary technician examination; and
4. Is not licensed by the Board to practice veterinary medicine.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-60 renumbered without change as Section R3-11-601 effective February 24, 1988 (Supp. 88-1). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

R3-11-602. Repealed**Historical Note**

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-61 renumbered without change as Section R3-11-602 effective February 24, 1988 (Supp. 88-1).

Repealed effective August 31, 1995 (Supp. 95-3).

R3-11-603. Examination committee

The Board will appoint a committee of Arizona licensed veterinarians of sufficient number to assist the Board in the preparation and in the administration of the examination of applicants for veterinary technician certificates. The examination as recommended by the examination committee shall be subject to the approval of the Board.

Historical Note

Adopted effective February 12, 1980 (Supp. 80-1).
Former Section R3-11-62 renumbered without change as Section R3-11-603 effective February 24, 1988 (Supp. 88-1).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-604. Examinations

- A. All applications for examination shall be received in the office of the Arizona State Veterinary Medical Examining Board no later than 60 days prior to the scheduled examination date and shall be accompanied by all required application forms, papers and information, and the examination fees. Said fees shall be submitted by certified check or money order only.
- B. Examinations of applicants for certification as a veterinary technician in Arizona shall be held at least annually at a time, place, and date to be provided in writing to all applicants no less than 20 days before the examination.
- C. An applicant shall be required to pass the Veterinary Technician National Examination (VTNE) and the state examination with scores of at least 70% in both examinations prior to licensure.
- D. An applicant who has passed the Veterinary Technician National Examination within five calendar years preceding application for examination in Arizona shall request that the scores be forwarded to the Board directly from the Professional Examination Service.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2).
Amended effective November 18, 1982 (Supp. 82-6).
Former Section R3-11-63 renumbered without change as Section R3-11-604 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3).

R3-11-605. Veterinary Technicians Services

- A. The following tasks may be performed under the direction, supervision and control of a licensed veterinarian currently registered to practice in this state, provided said veterinarian makes a daily physical examination of the patient treated.
 1. Venapuncture, drawing venous blood -- this includes inserting an indwelling catheter when required.
 2. Catheterization of the urinary bladder.
 3. Injections, including hypodermic injections and parenteral fluids, except when in conflict with government regulations.

4. Immunizations immediately after examination by a licensed veterinarian, except when in conflict with government regulations.
5. Assist in the administration of anesthesia; induction of anesthesia shall be performed by the supervising veterinarian; monitoring and maintaining anesthesia may be performed by the technician.
6. Exposing and developing X-ray film.
7. Collection and administering whole blood or plasma to a patient.
8. Assisting in surgery as directed by the supervising veterinarian.
9. Taking electrocardiogram and electroencephalogram tracings.
10. Taking and preparing skin scrapings for examination.
11. Recording vital and necessary information on patient records, pertinent to a sick or injured animal.
12. Preparing cultures for bacteriological examination.
13. Routine laboratory procedures including hematology, serology, chemistry, urinalysis, fecal analysis, and skin scrapings.
14. Administering oral drugs, colonic irrigations and wound dressings.
15. Dental prophylaxis, not including extractions.
16. Preparation of patients for surgery, including clipping, scrubbing, disinfecting operative site as well as sterilizing drapes, instruments, gloves, gowns, etc., used in surgery.
17. Preparation of medicants for dispensing to clients on the direct or written order of the supervising veterinarian.
18. Maintaining surgery log, X-ray log and laboratory log.
19. Maintaining pharmacy records.
- B. Under conditions of an emergency, a certified veterinary technician may render the following lifesaving aid and treatment:
 1. Application of tourniquets or pressure bandages to control hemorrhage;
 2. Administration of pharmacological agents and parenteral fluids shall only be performed after direct communication with a veterinarian authorized to practice in this state, and such veterinarian either present or en route to the location of the distressed animal;
 3. Resuscitative oxygen procedures;
 4. Establishing open airways including intubation appliances, but excluding surgery;
 5. External cardiac massage;
 6. Application of temporary splints or bandages to prevent further injury to bones or soft tissues;
 7. Application of appropriate wound dressings and external supportive treatment in severe burn cases;
 8. External supportive treatment in heat prostration cases.

Historical Note

Adopted effective March 23, 1979 (Supp. 79-2). Former Section R3-11-64 renumbered without change as Section R3-11-605 effective February 24, 1988 (Supp. 88-1).
Amended effective August 31, 1995 (Supp. 95-3).

R3-11-606. Application for a Veterinary Technician Certificate

No earlier than January 1 and no later than 65 days before an examination date, an applicant for a veterinary technician certificate shall submit an application packet to the Board that contains:

1. A notarized application form, signed by the applicant, containing:
 - a. The applicant's name, mailing address, residence and business telephone numbers, and social security number;

- b. The name of the veterinarian currently employing applicant;
- c. The name and address of the veterinary premises where applicant is employed; and
- d. A statement of whether application is being made on the basis of education or experience:
 - i. If application is based upon education, the applicant shall submit written documentation of graduation from a school that meets the requirements in A.R.S. § 32-2242(B)(1) with a curriculum in veterinary technology; or
 - ii. If application is based upon experience, the applicant shall submit the information required in subsections (A)(2) and (3);
- 2. The date of the applicant's national veterinary technician examination, if taken before submission of the application for certification. The applicant shall arrange to have an official transcript of the applicant's scores from the national veterinary technician examination sent directly to the Board office by the professional examination service preparing the examination;
- 3. A notarized letter, as required in A.R.S. § 32-2242, from each Arizona licensed veterinarian who employed the applicant during the 2 years the applicant served as a veterinary technician, verifying the employment, indicating the length of employment, and recommending the applicant; and
- 4. A certified check or money order for the application and examination fee required in R3-11-105.

Historical Note

Adopted effective December 11, 1998 (Supp. 98-4).

Editor's Note: The following Section was amended under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules. These rules were subsequently repealed and new Section adopted under the regular rulemaking process.

R3-11-607. Renewal of Veterinary Technician Certificates

- A. A certificate holder shall submit the renewal fee and information concerning current employment status, location of employment, and correct home and business mailing address before February 1 of every odd-numbered year on a renewal application form provided by the Board.
- B. Failure to submit the certificate renewal fee before February 1 of every odd-numbered year shall result in forfeiture of all privileges and rights extended by the certificate. The certificate holder shall immediately cease performing veterinary technician services until complying with the requirements of subsection (A) and paying the delinquency fee required in R3-11-105 and the certificate renewal fee required in R3-11-105.

Historical Note

Adopted effective November 18, 1982 (Supp. 82-6).
Amended subsection (C) effective November 27, 1984 (Supp. 84-6). Former Section R3-11-66 renumbered without change as Section R3-11-607 effective February 24, 1988 (Supp. 88-1). Amended effective August 31, 1995 (Supp. 95-3). Section repealed; new Section adopted effective December 11, 1998 (Supp. 98-4).

ARTICLE 7. VETERINARY MEDICAL PREMISES**R3-11-701. Building and Grounds Standards**

- A. Buildings and grounds at which animals are accepted for veterinary medical services shall be constructed and maintained in accordance with applicable state and local building, zoning, and health department regulations.
- B. Fire prevention measures must meet state and local fire codes.
- C. The veterinary medical premises shall be identifiable as a veterinary medical facility during all hours in which services are available. If the premise is to remain open to the public at night, outside lighting to identify the premises shall be maintained.

Historical Note

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-70 renumbered without change as Section R3-11-701 effective February 24, 1988 (Supp. 88-1).
Section repealed, new Section R3-11-701 renumbered from R3-11-702 and amended effective August 31, 1995 (Supp. 95-3).

R3-11-702. Standards for Veterinary Premises

Prior to the admission of any animal for treatment, hospitalization, or boarding by a veterinary medical facility, the owner of or responsible person for the animal shall be informed in writing whether personnel trained in patient observation will attend the patient continuously outside regular office hours.

Historical Note

Section R3-11-71 adopted and renumbered as Section R3-11-702 effective February 24, 1988 (Supp. 88-1).
Former Section R3-11-702 renumbered to R3-11-701, new Section R3-11-702 adopted effective August 31, 1995 (Supp. 95-3).

R3-11-703. Equipment Standards

- A. Each veterinary premise shall be equipped with adequate diagnostic and treatment equipment and supplies to provide the services offered at a level consistent with the standards of veterinary practice within the community in which the premise is located.
- B. Each veterinary medical premise shall meet manufacturers' label requirements for biologics and other supplies and medications requiring temperature control.
- C. Oxygen equipment and supplies for administration must be readily available any time general anesthesia is to be administered to a small animal.
- D. Premises offering surgery must have properly sterilized surgical supplies and instruments.
- E. An individual compartment must be provided on the premises for each animal being housed.

Historical Note

Renumbered from R3-11-704 and amended effective August 31, 1995 (Supp. 95-3).

R3-11-704. Housekeeping Standards

- A. Regulations of the Arizona Department of Health Services and of the local Health Department pertaining to sewage, sanitation and public health requirements shall be observed.
- B. All areas of the veterinary medical grounds, buildings and facilities shall be kept clean and free of refuse.
- C. Floors, countertops, tables, sinks, and similar equipment and fixtures shall be cleaned and disinfected after contact with any internal organ, body fluid or other bodily discharge of a patient.
- D. Examination tables, surgery tables and all indoor animal compartments shall be cleaned and disinfected after each patient use.

- E. Indoor animal compartments and exercise runs must be cleaned and disinfected at least once a day when in use.
- F. Large animal compartments shall be cleaned at least once daily while in use. If communicable disease of the patient housed therein is present, the enclosure must be disinfected after each patient usage.

Historical Note

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-73 amended and renumbered as Section R3-11-704 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-704 renumbered to R3-11-703, new Section R3-11-704 renumbered from R3-11-705 and amended effective August 31, 1995 (Supp. 95-3).

R3-11-705. Mobile Clinics

- A. All facility, housekeeping and equipment standards enumerated in this Chapter for fixed site clinics shall be applicable to mobile clinics.
- B. All mobile clinics shall be equipped with:
 1. Hot and cold water source.
 2. Collection tank for the disposal of waste materials.
 3. A power source to operate all diagnostic equipment.

Historical Note

Section R3-11-74 adopted and renumbered as Section R3-11-705 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-705 renumbered to R3-11-704, new Section R3-11-705 renumbered from R3-11-706 effective August 31, 1995 (Supp. 95-3).

R3-11-706. Mobile Units

- A. Drugs shall be maintained in a safe and orderly manner.
- B. Facilities shall be provided for meeting manufacturer's requirements for biologics, medications and supplies requiring temperature control.
- C. Surgical equipment shall be in either individual sterilized packs or a sterilizing solution.

Historical Note

Section R3-11-75 adopted and renumbered as Section R3-11-706 effective February 24, 1988 (Supp. 88-1). Former Section R3-11-706 renumbered to R3-11-705, new Section R3-11-706 renumbered from R3-11-707 and amended effective August 31, 1995 (Supp. 95-3).

R3-11-707. Application for a Veterinary Medical Premises License

- A. An applicant for a veterinary medical premises license shall:
 1. Submit the following to the Board:
 - a. A notarized application form, signed by the responsible veterinarian, that contains the information set forth in A.R.S. § 32-2272; and
 - b. The fee required in R3-11-105, payable by certified check or money order; and
 2. Pass an inspection conducted by the Board.

Historical Note

Adopted effective April 26, 1984 (Supp. 84-2). Former Section R3-11-76 renumbered without change as Section R3-11-707 effective February 24, 1988 (Supp. 88-1). Renumbered to R3-11-706 effective August 31, 1995 (Supp. 95-3). New Section adopted effective December 11, 1998 (Supp. 98-4).

ARTICLE 8. DRUG DISPENSING

Editor's Note: The following Section was adopted under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-801. Notification that Drugs May Be Available at a Pharmacy

- A. A dispensing veterinarian shall notify an animal owner or person responsible for the animal that some prescription-only products and controlled substances may be available at a pharmacy. Notification may be made in any of the following ways:
 1. Orally at or before the time of dispensing.
 2. By posting a written statement which is visible to the animal owner or person responsible for the animal.
 3. By providing each animal owner or person responsible for the animal with written notification.
 4. By having each animal owner or person responsible for the animal sign a statement that the veterinarian provided notification.
- B. A written prescription may be provided if requested by the animal owner or person responsible for the animal.

Historical Note

Adopted effective August 31, 1995 (Supp. 95-3).

Editor's Note: The following Section was adopted under an exemption from A.R.S. Title 41, Chapter 6 which means that the Department did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review; the Department was not required to hold public hearings on these rules; and the Attorney General has not certified these rules.

R3-11-802. Labeling Requirements

A prescription-only product or a controlled substance shall be dispensed in a container bearing a clearly legible label which sets forth all of the information required by A.R.S. § 32-2281(A)(1), and the name and telephone number of the premise license from which the prescription-only product was dispensed.

Historical Note

Adopted effective August 31, 1995 (Supp. 95-3).

TITLE 3. AGRICULTURE**CHAPTER 12. ARIZONA COLISEUM AND EXPOSITION CENTER BOARD**

Former Title 3, Chapter 12, Article 2, Section R4-12-201, renumbered to Title 3, Chapter 9, Article 3, Section R4-9-301; new Title 3, Chapter 12, Article 1, Section R3-4-101 renumbered from Title 3, Chapter 4, Article 1, Section R3-4-101; new Title 3, Chapter 12, Article 2, Sections R3-12-201 through R3-12-212, renumbered from Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-212 (Supp. 91-4).

(Authority: A.R.S. § 3-1003)

ARTICLE 1. ADMINISTRATION

Section

R3-12-101. Definitions

ARTICLE 2. ARIZONA STATE FAIR GAMES

- R3-12-201. Authorized amusement games
- R3-12-202. Prize limit
- R3-12-203. Concession safety
- R3-12-204. Posting of fees and rules
- R3-12-205. Prizes
- R3-12-206. Contracts and permits
- R3-12-207. Concessionaire responsibility
- R3-12-208. Conduct
- R3-12-209. Sales location
- R3-12-210. Sound control
- R3-12-211. Advertising
- R3-12-212. Height and line designation

ARTICLE 1. ADMINISTRATION**R3-12-101. Definitions**

In this Chapter, the following definitions shall apply unless the context otherwise requires:

1. "Agent" or "operator" means any person who is employed, whether or not paid in any manner, by a concessionaire to work in any game or novelty stand at the Fair.
2. "Arizona State Fair Games Inspector" means any person employed by the Board and reporting to the Director or his designee, assigned to work at the Arizona State Fair with the specific duty to enforce rules adopted by the Board regulating concessions.
3. "Board" means the Arizona Coliseum and Exposition Center Board.
4. "Concession" means any business which sells merchandise, services or manages games contracted under the authority of the Board.
5. "Concessionaire" means any person who owns, operates, or leases a concession and has obtained a contract from the Board.
6. "Director" means the Executive Director for the Board.
7. "Fair" means the annual exposition conducted by the Board.
8. "Game" means any contracted concession of the annual Fair where a person engages in the activity of amusement, for a fee.
9. "Midway Coordinator" means any person employed by the Board for the purpose of coordinating activities of midway rides, concessions, and games and who assists in the placing of all equipment assigned to the midway at the Fair. The Midway Coordinator shall also enforce all rules relating to the midway.
10. "Obscene" means, in applying contemporary community standards, the work or item, taken as a whole, appeals to the prurient interest, whether the work or item depicts or describes, in a patently offensive way, sexual activity or conduct, and whether the work or item, taken as a whole,

lacks serious literary, artistic, political or scientific value, as defined in A.R.S. § 13-3501.

11. "Person" means any individual, partnership, corporation or agent of the same, acting either individually, or as a group in any matter covered in this Chapter.
12. "Player" means any person who plays a game at the Fair whether or not he is attempting to win a prize.
13. "Prize" means an item won by a player of a game at the Fair upon completion of some task.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-101 (Supp. 91-4).

ARTICLE 2. ARIZONA STATE FAIR GAMES**R3-12-201. Authorized amusement games**

The Board, for the purpose of conducting and promoting the Fair in the best interest of the people of Arizona, authorizes the following amusement games to be operated by persons under a Board contract at an authorized Fair location:

1. Hoop or Ring Toss. The player tosses hoops or rings over a target. The operator shall specifically advise the player as to the extent the hoops or rings must go over the target. All hoops of the same color used at an individual booth shall be the same size or the operator shall advise the player by posting signs or using color codes denoting the different sizes.
2. Dart games. The target area for all dart games shall be of a material capable of retaining the point of the dart. Dart points may be metal, velcro or suction cups. Darts may be thrown by hand or propelled by a mechanical device. The target area shall be in the rear of the stand and shall be at least 3 feet but not more than 15 feet from the foul line. The target shall be stationary at all times. Dart game concessions shall be constructed to prevent the dart from going through the concession stand to an adjoining stand or aisle.
 - a. Balloon (Balloon Smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the darts, the player receives the price indicated.
 - b. Dart Throw. The targets are various sizes and shapes located on the target area. The player throws or propels darts individually at the target. The player hits, and the dart must stick, in a predetermined target to win the prize as designated.
 - c. Tic-Tac-Toe Dart. The target is a tic-tac-toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row on the target. The darts may line up vertically, horizontally or diagonally to win.
 - d. Add 'Em Up Darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines shall receive a re-

- throw. The player has the right to add up the score of the darts thrown.
3. Ball Tosses. In all ball toss games, the balls used at a specific stand shall be of the same weight and size. Targets shall be either of an identical weight and size or shall be color coded to show their differences or the difference shall be precisely described on a sign.
 - a. Milk Bottle Toss. The player tosses or throws balls at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles shall be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.
 - b. Milk Can. The player tosses balls into the opening of a milk can or other object or through a cone to win.
 - c. Football Toss (Tire Toss). The player tosses or throws footballs through a stationary tire or hoop to win.
 - d. Basketball Toss/Throw. The player tosses or throws basketballs through a basketball type hoop to win.
 - e. Bushel Baskets. The player tosses balls into a bushel type basket mounted on a stationary backdrop at a fixed angle. The balls shall stay in the basket to win. All rim shots, where the ball hits the rim and stays in, shall be allowed.
 - f. Cat-Ball Toss (Star/Diamond Toss). The player tosses balls into a simulated cat's mouth or a round, diamond- or star-shaped hole to win.
 - g. Ping-Pong Toss. The player tosses ping-pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls shall remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays shall not be stacked on top of each other but shall be in the water and floating at water level.
 - h. Break the Plate/Bottle. The player tosses or throws balls at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.
 - i. Punk Rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats shall be filled with sawdust, styrofoam, cotton or other material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.
 - j. Rolldown. The player rolls balls down an alley with the object of putting the balls in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth.
 - i. 3-Pin. The player rolls a specified number of balls down an alley with the object of knocking over all three pins set up on designated spots in a triangle. The triangle shall be set with the two front pins perpendicular to the player. The front pins shall be set so the ball may knock down both pins if the player's roll is between the pins. The alley shall be marked with a grid for guidance and spots designating where the pins shall be set. The designated spots shall be no larger than the base of the pins. The alley shall be a smooth, level surface no more than six feet in length.
 - ii. Sidewinder. The object of the game is for the player to control a ball rolling down a downward-slanted, multi-curved alley by tilting the alley to one side or the other with a steering wheel. The player wins by putting the ball through a hole at the end of the alley without the ball falling off the alley. Siderails may be used to help the player control the ball. The alley shall be a smooth, flat surface with a downward angle of no more than 15 degrees.
 - k. Skee Ball. The player rolls balls up the mechanical alley into numbered targets. A mechanical scorer or computer adds up the score to match a predetermined prize. The alley surface shall be smooth at all times.
 - l. Bank Ball. The object of the game is for the player to bank a ball off the front surface of a board and into a basket located under the board. The ball shall only hit off the front of the board. The board shall be a sandwich board no higher than six feet. There shall be two chains, each attached to the outside of the board legs, to secure the board when it is opened to its standing position. The basket shall be secured to the legs of the sandwich board a minimum of nine inches directly out from the legs of the board. The board surface shall be smooth.
 - m. Kiddie Toss. The player throws a velcro-covered ball at a predetermined velcro target to win. Balls thrown which do not stick to the target shall be replayed.
 4. Shooting Games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances shall be observed by the operator and player. The target may be stationary or mobile.
 - a. Shoot-Out-The-Star (Machine Gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star-shaped target. The player shoots out all of the star target surface to win. The star shall not be more than one and one-quarter inch from point to point.
 - b. Water Racer. The group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.
 - c. Rapid Fire. This group game involves competition among players similar to the water racer. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.
 - d. Cork Gallery. The player uses a cork gun to shoot at targets located on a shelf. The player knocks the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf. The base of each target shall be uniform front and rear.

- e. Gun Ball. The player shoots a ball at stationary targets located in the stand. The player wins by knocking down all the targets. The balls shall be of identical size and weight and the targets shall be of identical size and weight.
- 5. Coin Pitchers. These games are conducted by the player using a token or coin of U.S. denomination and then pitching or tossing the coin to land and remain on or in a target within the stand. The target may be stationary or mobile.
 - a. Spot Pitch (Lucky Strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin shall either touch or stay inside of a spot to win a prize.
 - b. Plate Pitch. The player pitches a coin onto a glass plate. If the coin remains on the plate, then the player wins a prize as designated.
 - c. Glass Pitch (Bowl). The player pitches a coin into or onto bowls, ashtrays, dishes, or glasses. If the coin remains in one of the top "target" glass items, then the player wins that item.
- 6. Miscellaneous Games.
 - a. Tip-Em-Up Bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with a hoop or ring, raises a bottle lying on its side to an upright position to win.
 - b. Hi-Striker. The player, using a wooden or metal maul, strikes a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player rings the bell a predetermined number of times to win a prize.
 - c. Rope Ladder. The player climbs a rope ladder, which is anchored at both ends by a swivel, and rings a bell or buzzer to win a prize.
 - d. Whac-A-Mole. The player, with a rubber mallet, whacks (hits) as many moles as possible in his 5-hole target area. The animated "moles" pop up and down at random through the holes, avoiding getting whac'd by the player. The first player to hit a predetermined number of moles wins.
 - e. Dip Bowling Game. The player rolls a bowling type ball over a hump in the track. If the ball stays on the back side of the hump, the player wins.
 - f. Speedball Radar Game. The player throws a specified number of balls past a radar device to establish speed and to enable the player to estimate the speed at which the last ball thrown will pass through the radar device. The player wins a prize if he accurately estimates the speed of the last ball thrown. The radar device shall be mounted and stationary.
 - g. Horse Race Derby. The player advances his horse by shooting or rolling a ball in a target area. The faster and more skillfully one shoots or rolls his ball into the target area, the faster his horse will run. The first horse to cross over the finish line wins.
 - h. Shuffleboard. The player pushes pucks down a shuffleboard alley to knock over the pins at the end of an alley. The player wins by knocking down all the pins.
 - i. Bean Bag. The player tosses or throws a bean bag or simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the objects off the raised platform or tips the targets over.
 - j. Soccer Kick. The player kicks soccer balls through holes in the target area to win.
 - k. Pool Table. The player using a pool cue stick and solid white cue ball is given "x" number of shots to shoot at "x" number of multicolored balls into targets or pockets on a pool table. The number of shots and multicolored balls used shall be based on the type of prize to be won. The first shot is to break or separate the multicolored balls from their racked position on the table. During the first shot, any multicolored balls falling into any targets or pockets shall count for the player's total score. After the first shot, the player shall specify which colored ball or balls shall be shot at and the target or pocket where the ball or balls shall end up in. If, after the first shot, the specified ball or balls shot at do not fall into the target or pocket as specified, the player loses the game. If the solid white cue ball falls into a target or pocket on any shot, the player loses the game. The player wins the game when all balls on the table are shot into the specified pockets on successive shots. The pool table surface shall be smooth, level and in good repair at all times.
 - l. Put Out The Light. The player drops five metal plates measuring four inches in diameter onto a target surface measuring six and three-eighths inches in diameter in an effort to completely cover the designated target surface. The plates are dropped from a designated height, which is controlled by an electric beam and buzzer. The buzzer sounds to alert the player and agent of any height violation. If the height is violated and the plate is dropped, the play ends. Once dropped, the plates are not moved until a final determination of a winner is made. The player wins when the surface is completely covered by the plates. Surface and disk size changes may be made in proportion to the measurements listed and are subject to the approval of the Arizona State Fair Games Inspector.
 - m. Fisharama. The player uses a magnet attached on a line on a pole to catch a predetermined target which is visually distinguishable from the other targets floating in a water-filled elliptic trough. The player wins by catching the predetermined target. The magnets shall be capable of sticking to and picking up each of the potential targets.
 - n. Flipgame. The player propels an object into a target by using a mechanical launching device. The player positions the object on the launching device and then propels the object by striking the device with a rubber mallet. The player wins by putting the object in the target. The target may be stationary or mobile.
 - o. Wacky Wire. The player passes a metal wire with a minimum one-inch circular opening in the middle of the wire down a curved wire moving clockwise during play. The player wins by passing the wire down to the base of the moving curved wire without touching the moving curved wire. A buzzer shall signify a touch by a player.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
 Amended effective Sept. 9, 1988 (Supp. 88-3). Amended
 effective September 25, 1991 (Supp. 91-3). Renumbered
 from R3-4-201 (Supp. 91-4).

R3-12-202. Prize limit

- A. Concessionaires with choice prizes may request authorization by the Arizona State Fair Games Inspector or the Midway Coordinator to limit a player to win one choice prize per game stand each day of the Fair. The concessionaire's request shall be made prior to the opening of the Fair and shall be authorized if:
1. The wholesale value of the choice prize is \$25.00 or more.
 2. The choice prize is won by successfully performing the game correctly once.
- B. If authorized, the concessionaire shall post a sign at the game stating the choice prize limit.
- C. Choice prize is defined as the most valuable prize with a wholesale value of \$25.00 or more offered at the game.

Historical Note

Adopted effective September 25, 1991 (Supp. 91-3).
Renumbered from R3-4-202 (Supp. 91-4).

R3-12-203. Concession safety

No concession shall be operated in a manner which presents a hazard to the safety of the patron or public in general. No equipment shall be used which is not in good, safe operating condition. Material used in the construction of the concession shall be in good, safe condition to meet the concession's intended use. If the Arizona State Fair Games Inspector or an employee designated by the Executive Director believes there is a hazard in either the operation of the concession, the equipment being used, the construction of the concession or any part thereof, the concession shall be closed until corrections are made to the satisfaction of the Arizona State Fair Games Inspector or the designated employee.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Renumbered from R3-4-203 (Supp. 91-4).

R3-12-204. Posting of fees and rules

- A. Every game shall have conspicuously posted during all time of operation a sign stating the cost of play, how the game is played, and exactly what is required in order to win each prize offered.
- B. The sign shall be of a permanent material such as wood, metal, masonite or similar sturdy material. The lettering shall be plain, of a contrasting color, and at least two inches in height.
- C. No more than one price shall be charged to play a game, except that a separate price may be charged for children. If a separate children's price is charged, a posted sign shall state the maximum age for the children's price.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Renumbered from R3-4-204 (Supp. 91-4).

R3-12-205. Prizes

- A. All prizes shall be displayed at all times the game is open to the public. No prizes shall be given which are not displayed.
- B. No game shall award cash prizes.
- C. No concessionaire or agent shall buy back for cash or through any combination of prizes, articles, tickets, numbers or money exchange, any prizes won by a player at the Fair.
- D. The determination of appropriate merchandise to be offered as prizes shall be based on:
1. The safety of the merchandise not only to the player, but persons who may come in contact with the merchandise.
 2. The legality of the merchandise.
 3. The value of the merchandise.
- E. Prohibited prizes are:

1. Weapons of any kind such as firearms, knives, whips, martial art items, bike chains, studded jewelry and accessories, water pistols or guns, pea or bean shooters.
2. Fireworks and bang-caps or bang-snaps.
3. Handcuffs and fingercuffs.
4. Stretch bottles.
5. Any obscene items.
6. Eyeglasses other than sunglasses.
7. Medicine or drugs of any kind.
8. Fowl and animals except goldfish.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).
Renumbered from R3-4-205 (Supp. 91-4).

R3-12-206. Contracts and permits

- A. No person shall operate any concession at the Fair without first obtaining a contract from the Arizona State Fair.
- B. Any person may request an application for space at the Arizona State Fair. Applications for a game concession shall include the name of the game, a description of the game, space requirements, the exact location for all game components, the owner's name and address, and a current photograph of the stand.
- C. Contracts issued are nontransferable. The contract for each concession shall be issued only to the owner or lessee of the concession.
- D. A schedule of fees for amusement game contracts shall be based on:
1. Front stand games. Footage requirements of the front of the game space times "X" amount of dollars equals the cost plus insurance costs and utility costs.
 2. Center stand games. Footage requirements of the front and of one side of the game space times "X" amount of dollars equals the cost plus insurance costs and utility costs.
 3. All footage requirements shall be based on a ten-foot minimum.
- E. One contract shall be required for each separate game at the Fair, except when:
1. All of the units of play are in the same location.
 2. The units of play are not separate from each other by any wall, canvas or other partition.
 3. The games are identical.
 4. The prizes are identical.
 5. The price is the same.
 6. When these requirements are met, up to ten units may be included under one Fair contract.
- F. All concessions shall display in a conspicuous place the Arizona State Fair concession permit for operation. The permit shall be in view for the Director, Arizona State Fair Games Inspector or Midway Coordinator to locate without disrupting the concession or game. Failure to post the permit shall result in the shutdown of the game until such permit is properly displayed.
- G. All concessionaires and agents shall operate during the hours established by the Director or his designee and the Midway Coordinator.
- H. All merchandise offered as prizes shall be listed on the concessionaire's contract.
- I. Game charges to the player, both adult and child's prices, shall be listed on the concessionaire's contract.
- J. Any changes of contracted games shall be designated in an amended contract.
- K. The misrepresentation of game ownership, operation or appearance on the applications or pictures shall be grounds for the cancellation of the concession's contract and the immediate

removal of equipment and the operation of the game from the Arizona State Fair.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-206 (Supp. 91-4).

R3-12-207. Concessionaire responsibility

- A.** Every concessionaire shall be responsible for all the actions of his agents while the agents are working a concession at the Fair or living on the grounds, including responsibility for their agent's compliance with this Chapter and the laws of the State of Arizona.
- B.** Concessionaires shall be responsible for supplying uniforms for their agents. The uniforms shall be neat, clean and well-kept in appearance during the hours the Fair is in operation. Agents shall be in uniform all hours the Fair is in operation for identification by Fair patrons, officials and concessionaires.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-207 (Supp. 91-4).

R3-12-208. Conduct

Concessionaires or their agents shall not molest or hinder the public by touching, grabbing or using abusive or obscene language.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-208 (Supp. 91-4).

R3-12-209. Sales location

For the purpose of maintaining an orderly movement of Fair patrons, no concessionaire or agent shall operate or sell more than four feet from his concession.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-209 (Supp. 91-4).

R3-12-210. Sound control

The concessionaire or agent operating a loud speaker at the Fair shall control the volume so as not to interfere with other concessions or become a nuisance to Fair patrons. For the games area, the maximum decibel level is 90. All sound shall be controlled by the Arizona State Fair Games Inspector and Midway Coordinator.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-210 (Supp. 91-4).

R3-12-211. Advertising

False or misleading advertising by banner, word of mouth or otherwise is prohibited.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-211 (Supp. 91-4).

R3-12-212. Height and line designation

All concessionaires and agents shall designate a line behind which the players shall stand to play the game. If the game is trailer mounted, the Arizona State Fair Games Inspector shall determine the height of the base on which the game is set, based upon the safety considerations of R3-12-203 and the fairness to the player of the height of the game.

Historical Note

Adopted effective October 22, 1987 (Supp. 87-4).

Renumbered from R3-4-212 (Supp. 91-4).

Department of Agriculture - Reserved

TITLE 3. AGRICULTURE

CHAPTER 13. RESERVED

Former Title 3, Chapter 13, Article 2, Section R3-13-201 renumbered to Title 3, Chapter 9, Article 2, Section R3-9-201 (Supp. 91-4).